

City of San Jose - PBCE – Planning Division - Imaging Index Cover Sheet

Address/Location: **SE/C WINCHESTER BLVD & DAVID
AV*WINCHESTER BLVD*DAVID AV (1462 S
WINCHESTER BL)**

Permit/Project No.: **H80-063** Issuance Date: **11/26/80**

Prepped By: **FMAGGI** Closed By: **SADVANI** RSN: **907705**

Category	Document Type	Sub Document Type
<input type="checkbox"/> (EF) Environmental Files (203)	<input type="checkbox"/> (PP) Public Project Files (203-03)	<input type="checkbox"/> (EN) EIR <input type="checkbox"/> (DA) Approved Document <input type="checkbox"/> (EM) Maps <input type="checkbox"/> (AE) Application <input type="checkbox"/> (AG) Agency Correspondence <input type="checkbox"/> (EG) General Correspondence <input type="checkbox"/> (TR) Technical Reports <input type="checkbox"/> (RE) Archaeological Reports <input type="checkbox"/> (EP) Plans
<input type="checkbox"/> (GP) General Plan (204)	<input type="checkbox"/> (GA) General Plan Amendments (204-02)	<input type="checkbox"/> (AM) Amendment <input type="checkbox"/> (AA) Application <input type="checkbox"/> (CG) Correspondence
	<input type="checkbox"/> (GE) Environmental Review (for 204 series GP Amendments)	<input type="checkbox"/> (GD) Approved Document <input type="checkbox"/> (GI) EIR <input type="checkbox"/> (GS) Supporting Documents <input type="checkbox"/> (GT) Technical Reports <input type="checkbox"/> (GR) Archaeological
<input checked="" type="checkbox"/> (DR) Development Review (207)	<input type="checkbox"/> (PR) Projects (207-02, 207-03, etc.)	<input type="checkbox"/> (ZN) Zoning <input type="checkbox"/> (PE) Permit <input type="checkbox"/> (MP) Maps <input type="checkbox"/> (AP) Application <input type="checkbox"/> (AC) Agency Correspondence <input type="checkbox"/> (GC) General Correspondence <input type="checkbox"/> (PL) Plans
	<input checked="" type="checkbox"/> (ER) Environmental Review (for 207 series Project Files) <i>DEIR</i>	<input type="checkbox"/> (EA) Approved Document <input checked="" type="checkbox"/> (EI) EIR <input type="checkbox"/> (ES) Supporting Documents <input type="checkbox"/> (ET) Technical Reports <input type="checkbox"/> (AR) Archaeological
	<input type="checkbox"/> (AD) Adjustments (207-12)	<input type="checkbox"/> (DO) Documents <input type="checkbox"/> (PA) Plans
	<input type="checkbox"/> (PI) Public Info Letters (207-29)	<input type="checkbox"/> (LE) Letter <input type="checkbox"/> (LS) Supporting Docs

DRAFT

ENVIRONMENTAL IMPACT REPORT

for the

CREEKSIDE PLAZA
SITE DEVELOPMENT PERMIT

Prepared by the

City of San Jose

December 2000

Site Development Permit File No. H00-08063
SCH No. 2000-102049



CITY OF SAN JOSÉ, CALIFORNIA

DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT
801 NORTH FIRST STREET
SAN JOSE, CALIFORNIA 95110-1795

JAMES R. DERRYBERRY
DIRECTOR

December 19, 2000

Ladies and Gentlemen:

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR SITE DEVELOPMENT PERMIT CITY FILE NO. H00-08-063.

The Planning Commission of the City of San José will hold a Public Hearing to consider the Draft Environmental Impact Report (DEIR) prepared for the project described below. A copy of the DEIR is enclosed for your review.

Your comments regarding the significant environmental effects of this project and the adequacy of the DEIR are welcome. Written comments submitted to the Department of Planning, Building and Code Enforcement by 5:00 p.m., on Monday February 5, 2001, will be included in the Final EIR and be considered by the Planning Commission at a Public Hearing. *If you make comments through a state or regional clearinghouse, please send a copy of your comments to the contact person listed below to insure prompt consideration.* If we receive no comments, nor a request for an extension of time from you by the specified date, we will assume you have none to make.

Project Description and Location: Draft Environmental Impact Report for a Site Development Permit for the property located at the northwest side of Ridder Park Drive between Brokaw Road, Coyote Creek, and Interstate 880 to allow 265,000 square feet of office/research and development uses on 17.4 acres of land.

Council District: 4

Tentative Hearing Date: March 14, 2001

Contact Person: Ron Eddow, Senior Planner
Department of Planning, Building and Code Enforcement
801 North First Street
San José, CA 95110-1795

Sincerely,

James R. Derryberry
Director of Planning


Deputy

H00-08-063 DEIR Cvr Ltr.doc

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PREFACE

This document has been prepared by the City of San Jose as the Lead Agency in conformance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The purpose of this Environmental Impact Report (EIR) is to inform decision makers and the general public of the environmental effects which might result from approval of an office/R&D development at this particular location. This document constitutes a project level of analysis.

The following guidelines are included in CEQA to clarify the role of an EIR:

§15121(a). Informational Document. An EIR is an informational document which will inform public agency decision makers and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR, along with other information which may be presented to the agency.

§15151. Standards for Adequacy of an EIR. An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently considers environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good-faith effort at full disclosure.

All documents referenced in this EIR are available for public review in the office of the Department of Planning, Building and Code Enforcement, 801 North First Street, Room 400, San Jose, California, on weekdays from 9:00 AM to 5:00 PM.

SUMMARY

The proposed project is the development of 265,000 square feet of office/Research and Development (R&D) uses on an approximately 17.4 acre site within the Rincon de Los Esteros Redevelopment Area of North San Jose. The project site is generally located northwest of Ridder Park Drive between Brokaw Road, Coyote Creek and Interstate 880. Development on the site would be setback a minimum of 100 feet from the edge of the riparian corridor of Coyote Creek.

The following is a **brief summary** of project impacts and mitigation measures addressed within the body of this EIR. The complete project description and discussion of impacts and mitigations can be found in the body of the text of the EIR.

SIGNIFICANT ENVIRONMENTAL IMPACTS	MITIGATION MEASURES
--	----------------------------

Biological Resources Impacts

The project could result in direct impacts to nesting raptors during construction.

Significant Impact

Preconstruction surveys for nesting raptors (such as White Tailed Kite and Loggerhead Shrike) will be conducted to ensure that no raptor nests will be disturbed during construction. Surveys will be conducted no more than 14 days prior to the initiation of construction activities during January through April (the early part of the breeding season) and no more than 30 days prior to the initiation of construction activities during May through September (the latter part of the breeding season). During preconstruction surveys, all trees in and immediately adjacent to construction areas will be inspected for raptor nests. If an active raptor nest is found, a construction-free buffer zone (typically 250 feet) will be established around the nest for the duration of breeding activity until young birds have fledged.

In conformance with federal and state regulations regarding protection of raptors, appropriate preconstruction surveys for Burrowing Owls following California Department of Fish and Game protocols will be completed prior to any development to ensure that owls have not moved onto the site. Preconstruction surveys for Burrowing Owls will be conducted no more than 30 days prior to the start of site grading. If breeding owls are located on or immediately adjacent to the site, a construction-free buffer zone (typically 250 feet) around the active burrow will be established for the duration of breeding by owls until young birds have fledged.

Less Than Significant Impact with Mitigation

**SIGNIFICANT
ENVIRONMENTAL IMPACTS**

MITIGATION MEASURES

Biological Resources Impacts (cont.)

Development of the project site could increase the amount of toxic contaminants and sediment in storm water runoff, which could adversely effect aquatic habitat in Coyote Creek

Significant Impact

The project will comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Activity Storm Water Permit administered by the Regional Water Quality Control Board. Prior to construction grading for the proposed land uses, the applicant will file a "Notice of Intent" (NOI) to comply with the General Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. The SWPPP will be submitted to the City of San Jose Department of Environmental Services. The following measures would be included in the SWPPP:

- Preclude non-storm water discharges to the storm water system.
- Perform monitoring of discharges to the storm water system.

The project will comply with the City of San Jose Grading Ordinance, including erosion- and dust-control during site preparation and with the City of San Jose zoning ordinance requirement for keeping adjacent streets free of dirt and mud during construction. The following specific measures would be implemented to prevent storm water pollution and minimize potential sedimentation during construction:

- restricting grading to the dry season or meet City requirements for grading during the rainy season;
- use silt fencing to retain sediment on the project site;
- providing temporary cover of disturbed surfaces to help control erosion during construction;
- provide temporary cover of all disturbed surfaces to help control erosion during construction.
- provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

**SIGNIFICANT
ENVIRONMENTAL IMPACTS**

MITIGATION MEASURES

Biological Resources Impacts (cont.)

Such features will include placement of a temporary plastic fence and hay bales along the edge of the riparian corridor or project boundary nearest the corridor during construction. Post construction runoff will be controlled by vegetated swales and inlet filters.

As part of the mitigation for post-construction runoff impacts addressed in the SWPPP, the project will implement regular maintenance activities (*i.e.*, sweeping, cleaning storm water inlet filters, litter control) at the site to prevent soil, grease, and litter from accumulating on the project site and contaminating surface runoff. Storm water catch basins will be stenciled to discourage illegal dumping.

Less Than Significant Impact with Mitigation

Transportation Impacts

The project would result in significant impacts to two signalized intersections.

Significant Impact

US 101 Northbound Ramps at Old Oakland Road

The US 101 Northbound ramp/Oakland Road intersection is under the jurisdiction of Caltrans. The project proposes to add a second westbound right turn lane. With the addition of a second westbound right turn lane, the project's impact would be reduced to a less-than-significant level.

Because this is a Caltrans controlled intersection, this mitigation would have to be approved by Caltrans prior to implementation. Because of the inability of the City of San Jose to control the implementation of this mitigation measure, the impact is considered to be significant and unavoidable.

Significant Unavoidable Impact

Murphy Road and Oyama Drive

The project proposes to move the double-yellow striping to the west to reduce the southbound departure lane to twelve feet in width, and add striping to the northbound approach lane to designate a left turn only lane and a shared

SIGNIFICANT ENVIRONMENTAL IMPACTS

MITIGATION MEASURES

Transportation Impacts (cont.)

The project would contribute traffic in excess of one percent of segment capacity to a freeway segment already operating at LOS F.
Significant Impact

through-right turn lane. With this mitigation, the project's impact would be reduced to a less-than-significant level.

Less Than Significant Impact with Mitigation

The mitigation necessary to reduce significant impacts upon these freeway segments is the widening of the freeways. However, due to the extensive cost of such widening, this mitigation could not reasonably be implemented by a single development, and therefore, is considered infeasible.

Significant Unavoidable Impact

Air Quality Impacts

Air quality impacts resulting from construction, particularly generation of construction dust, could cause significant adverse effects.

Significant Impact

The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less-than-significant. Construction practices required by the City of San Jose and listed in this EIR meet or exceed the BAAQMD feasible construction dust control measures and will be implemented during all phases of construction on the project site.

Less Than Significant Impact with Mitigation

Flooding, Drainage and Water Quality

Development of the project site will increase the amount of contamination in storm water runoff, which could adversely effect the water quality of Coyote Creek.

Significant Impact

The project will comply with the NPDES General Construction Activity Storm Water Permit administered by the Regional Water Quality Control Board. Prior to grading for the proposed land uses, the applicant will file a "Notice of Intent" (NOI) to comply with the General Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. The SWPPP will be submitted to the City of San Jose Department of Environmental Services. The following measures would be included in the SWPPP:

- Preclude non-storm water discharges to the storm water system.

**SIGNIFICANT
ENVIRONMENTAL IMPACTS**

MITIGATION MEASURES

Flooding, Drainage and Water Quality (cont.)

- Perform monitoring of discharges to the storm water system.

The developer will submit a copy of the draft SWPPP to the City of San Jose Department of Environmental Services for review and approval prior to construction of the project.

The project will comply with the City of San Jose Grading Ordinance, including erosion- and dust-control during site preparation and with the City of San Jose site development requirement for keeping adjacent streets free of dirt and mud during construction. The following specific measures would be implemented to prevent storm water pollution and to minimize potential sedimentation during construction.

- restricting grading to the dry season or meet City requirements for grading during the rainy season;
- use silt fencing to retain sediment on the project site;
- providing temporary cover of disturbed surfaces to help control erosion during construction;
- provide temporary cover of all disturbed surfaces to help control erosion during construction.
- provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

The project design includes features to minimize nonpoint source pollutants from entering the Coyote Creek channel. Such features will include the installation of vegetated swales and inlet filters and the placement of a temporary plastic fence and hay bales along the edge of the riparian corridor or project boundary nearest the corridor during construction.

As part of the mitigation for post-construction runoff impacts addressed in the SWPPP, the project will implement regular maintenance activities (*i.e.*, sweeping, cleaning storm water inlets, litter control) at the site to prevent soil, grease, and litter

SIGNIFICANT ENVIRONMENTAL IMPACTS

MITIGATION MEASURES

Flooding, Drainage and Water Quality (cont.)

from accumulating on the project site and contaminating surface runoff. Storm water catch basins will be stenciled to discourage illegal dumping.

Less Than Significant Impact with Mitigation

Availability of Public Facilities and Services

The following discussion summarizes the effects of the project upon existing urban services. These effects are not environmental impacts, as defined by CEQA, but the information is provided here because it may be useful in the decision-making process for this project.

The project will result in increased demands for some urban services. Development of the project will generate increased calls for police and fire protection services. Although the proposed project will increase the demand for services, it is not anticipated it will create the need for any new facilities other than those proposed by the project. In addition, development of the project site as proposed would not preclude development of the Coyote Creek/Llagas Sub-regional Trail.

SUMMARY OF ALTERNATIVES

The CEQA Guidelines specify that an EIR should identify alternatives to the proposed project which could attain most of the project objectives but avoid or reduce the significant effects of the project. The significant impacts identified in this EIR as resulting from the proposed project include: loss of agricultural land and open space, traffic, air quality, noise, loss of Burrowing Owl foraging habitat, and visual impacts. This EIR analyzes two alternatives to the proposed project, as well as a "No Project" alternative. These alternatives are summarized briefly below.

No Project Alternative. Under a "No Project" alternative, the project would continue to be vacant. This alternative would completely avoid traffic impacts and the cumulative loss of Burrowing Owl foraging and potential nesting habitat. This alternative does not meet any of the project goals. The No Project alternative would also not provide the employment opportunities or economic benefits to the City resulting from the development of the site.

Reduced Scale Alternative. A design alternative to the project as presently proposed would be a smaller development, representing a less intense use of the site. A possible development scenario would be 118,000 square feet of office/R&D uses. This alternative represents a 55 percent reduction in office/R&D space. This alternative is slightly environmentally superior to the project as proposed since it would completely avoid transportation impacts. Significant impacts to Burrowing Owl foraging habitat would be incrementally reduced, but not avoided. The reduced size of this alternative may cause it to be economically infeasible, which would not conform to the project objective of developing an economically viable corporate campus.

Location Alternative. Sites within the Edenvale Redevelopment Area located in south San Jose have been identified as an alternative location for the project. The vacant land in New Edenvale is designated on the General Plan and zoned for industrial park and office uses.

This alternative is environmentally superior to the project as proposed with respect to transportation impacts and impacts to Burrowing Owl habitat. Impacts to prime farmland would increase under this alternative. This alternative site would not be compatible with the applicant's goals of developing a high quality office/R&D development adjacent to the Interstate 880 corridor in close proximity to the North San Jose High Technology and Industrial sector and converting an under-utilized urban infill site to a viable economic use.

CUMULATIVE IMPACTS

Development of the project site with other pending and approved development will contribute to the following significant cumulative impacts: loss of Burrowing Owl habitat [to be completed].

KNOWN VIEWS OF LOCAL GROUPS AND AREAS OF CONTROVERSY

At this time, there are no known areas of controversy related to the proposed project.

I. DESCRIPTION OF THE PROPOSED PROJECT

A. OVERVIEW OF THE PROJECT

The proposed project is the development of approximately 17.4 acres of land within the Rincon de Los Esteros Redevelopment Area of North San Jose. The project proposes development of 265,000 square feet of office/Research and Development (R&D) uses in two, three-story buildings.

B. PROJECT LOCATION

The project site is located northwest of Ridder Park Drive between Brokaw Road, Coyote Creek and Interstate 880. West of Ridder Park Drive, the site is bounded by Brokaw Road and Coyote Creek on the north, and Interstate 880 and the Brokaw Road off-ramp on the west. A small portion of the site is located east of Ridder Park Drive. This parcel is bounded by Coyote Creek on the north, the Union Pacific railroad tracks on the east, Schallenberger Road on the south, and Ridder Park Drive on the west.

The regional location for the project site is shown in Figure 1, and the immediate vicinity of the site is shown in Figure 2. Land uses in the vicinity of the site include industrial and office, with commercial uses west of Interstate 880 (refer to Figure 3).

C. DESCRIPTION OF THE PROJECT

1. Description of Uses and Development

The project proposes construction of two 132,500 square foot office/R&D buildings, each three stories in height.

The site plan on Figure 4 shows the proposed building foot prints and location of parking. The areas of the site to be covered by buildings, surface parking and pavement, and landscaping are shown in Table 1.

TABLE 1 Land Use				
Coverage				Building Area
Building Footprint (square foot)	Landscape/ Open Space † (square foot)	Parking and Pavement (square foot)	Total (square foot)	Gross Building Area (square foot)
87,666	304,069	365,425 (901 spaces)	757,160 (17.4 acres)	265,000
12%	40%	48%	100%	Floor Area Ratio ‡ = 0.35

†Includes 43,077 square feet (six percent of the total site) of unimproved area south of Ridder Park Drive.

‡Floor Area Ratio = the gross building area divided by the total area of the site. For this site, the Floor Area Ratio (or F.A.R.) is 265,000 square feet/757,160 square feet, or 0.35.

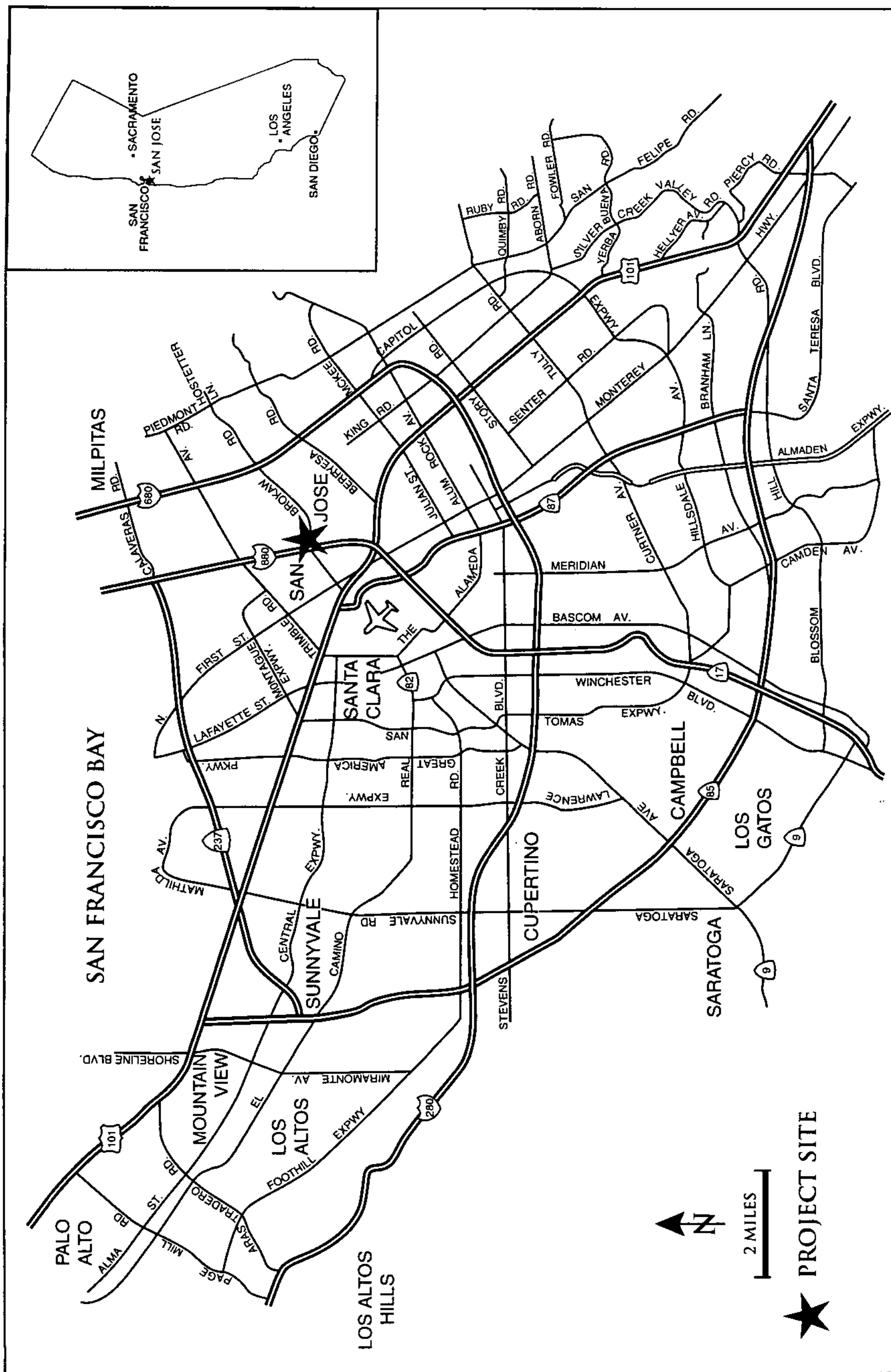
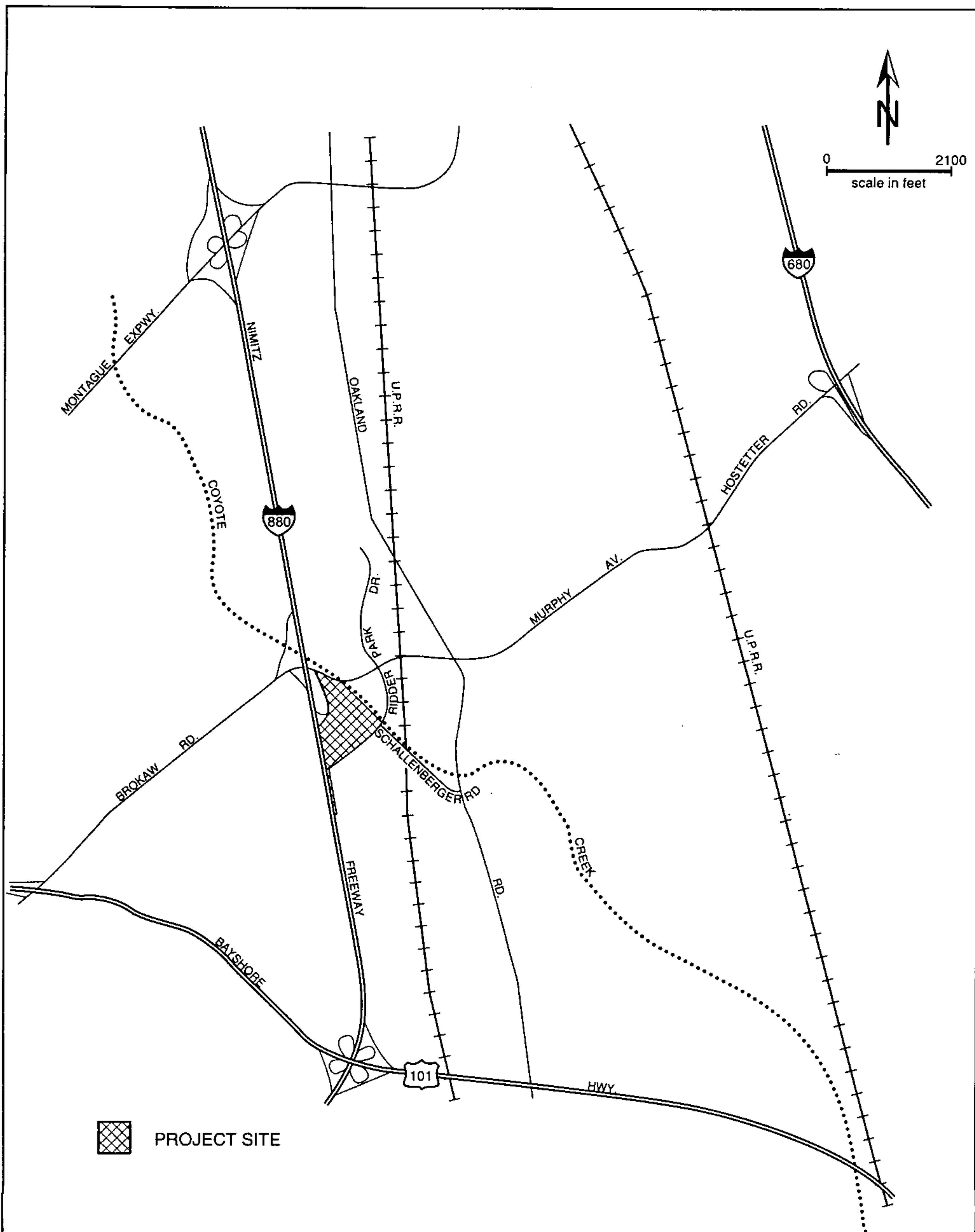
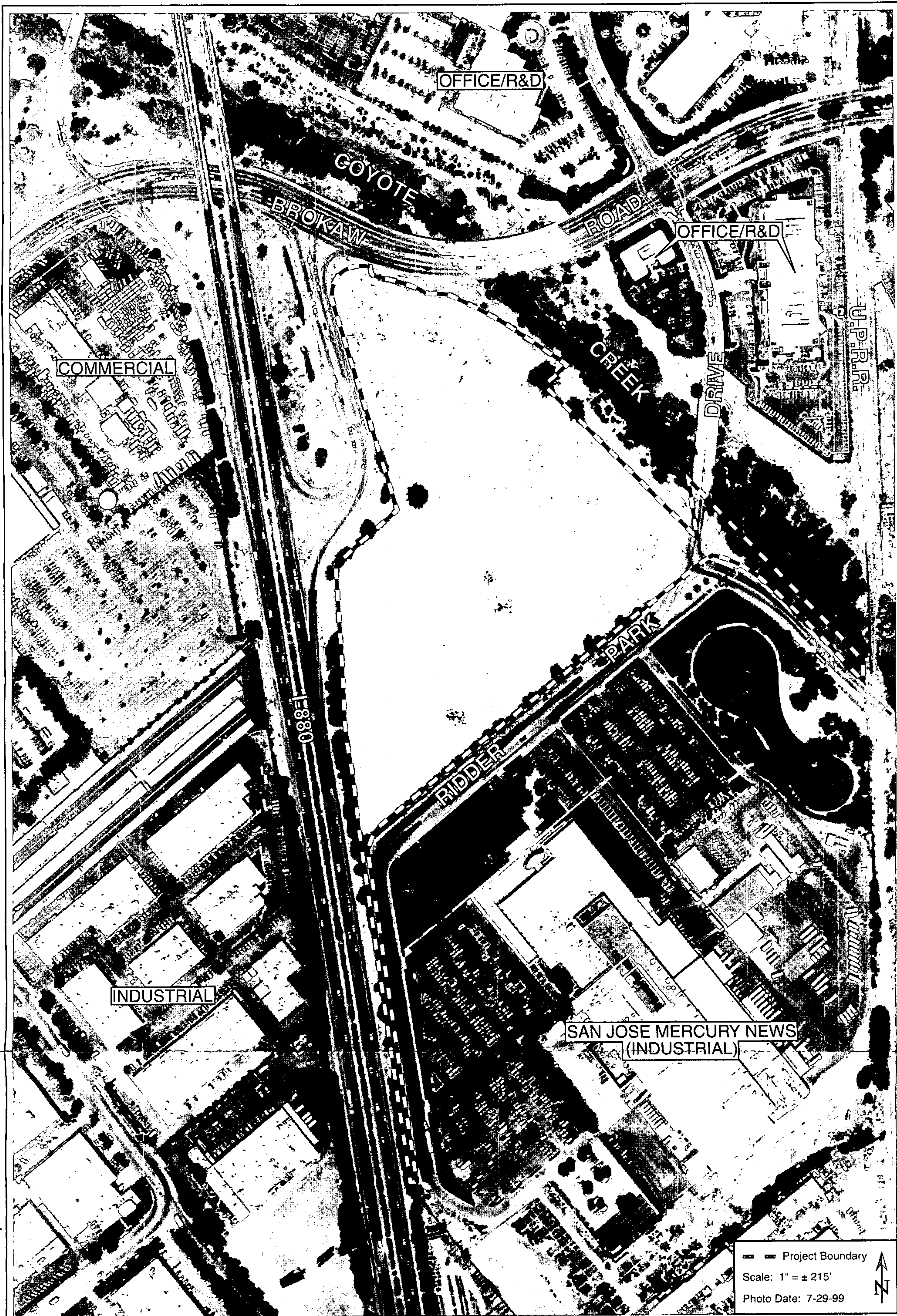


FIGURE 1



VICINITY MAP

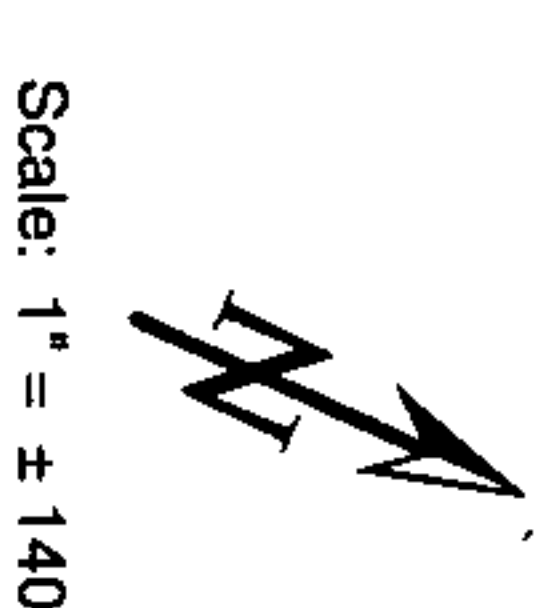
FIGURE 2



AERIAL PHOTOGRAPH WITH SURROUNDING LAND USES

FIGURE 3

FIGURE 4



Source: MBT Architecture (12-8-00)

2. Buildings, Landscaping and Parking

Buildings

The proposed two office/R&D buildings would be three stories, not to exceed a height of 55 feet from the ground surface to the roof parapet. The steel frame or poured in place buildings will be constructed using precast concrete panels with window walls and glass "stack wall" systems.

The two buildings will border a central landscaped courtyard with one or more water features (refer to Figure 4).

Landscaping

The project proposes to provide landscaping within the central courtyard area, adjacent to buildings, and around the perimeter of parking areas and driveways (Figures 5A-5C). Native trees and shrubs would also be planted within the riparian setback area between the developed area of the site and the edge of riparian vegetation. This approximately one acre area will be planted with trees and shrubs native to the adjacent Coyote Creek corridor and would provide a buffer between the development and the riparian corridor. The riparian setback area will also include pathways and areas of decomposed granite or similar materials, but no pavement.

The total landscaped area, including the riparian setback area, would occupy approximately 260,992 square feet, or 34 % of the site. An additional 43,077 square feet, or six percent, of the site south of Ridder Park Drive and adjacent to Coyote Creek, would be maintained in its current state.

Parking

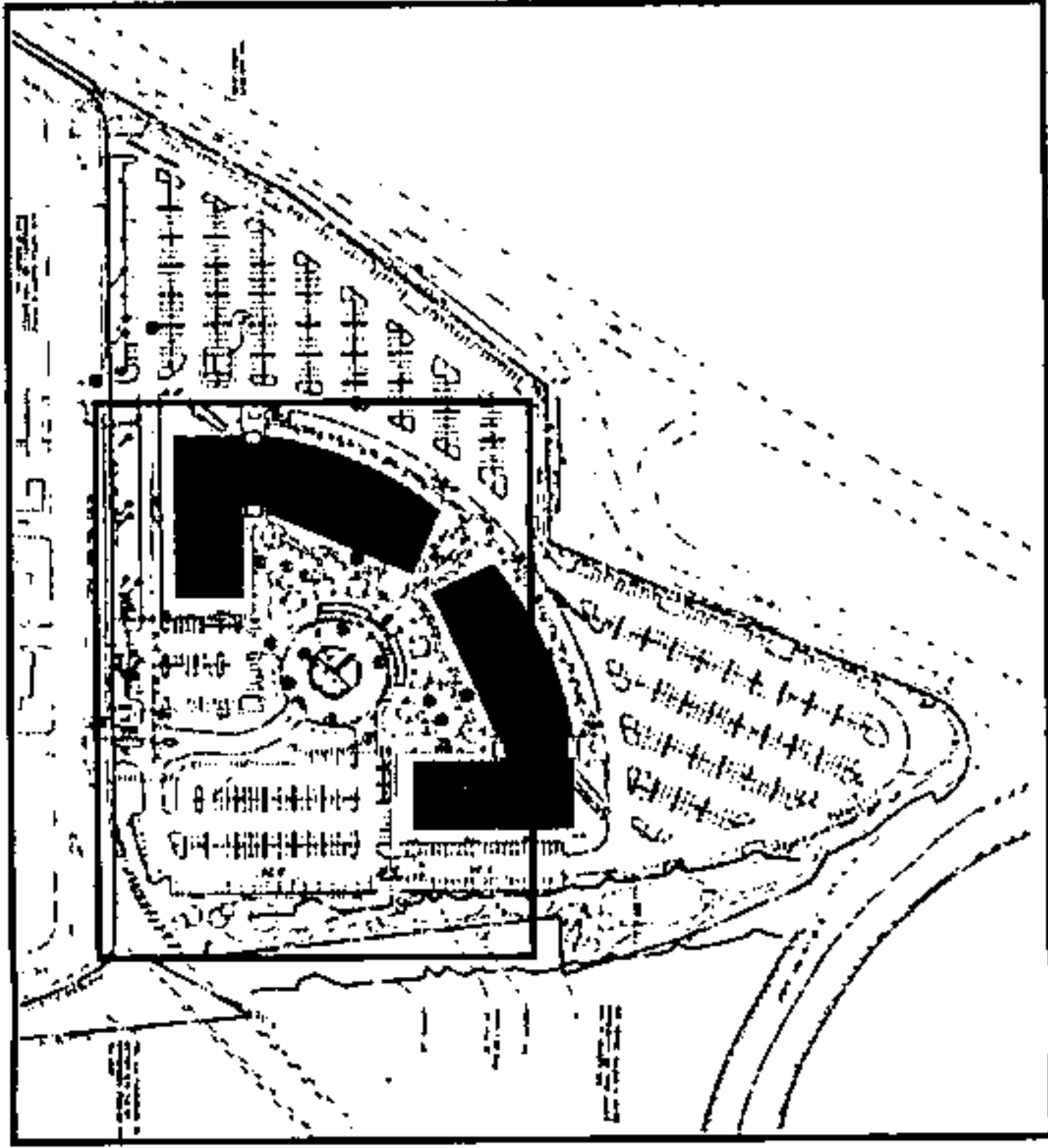
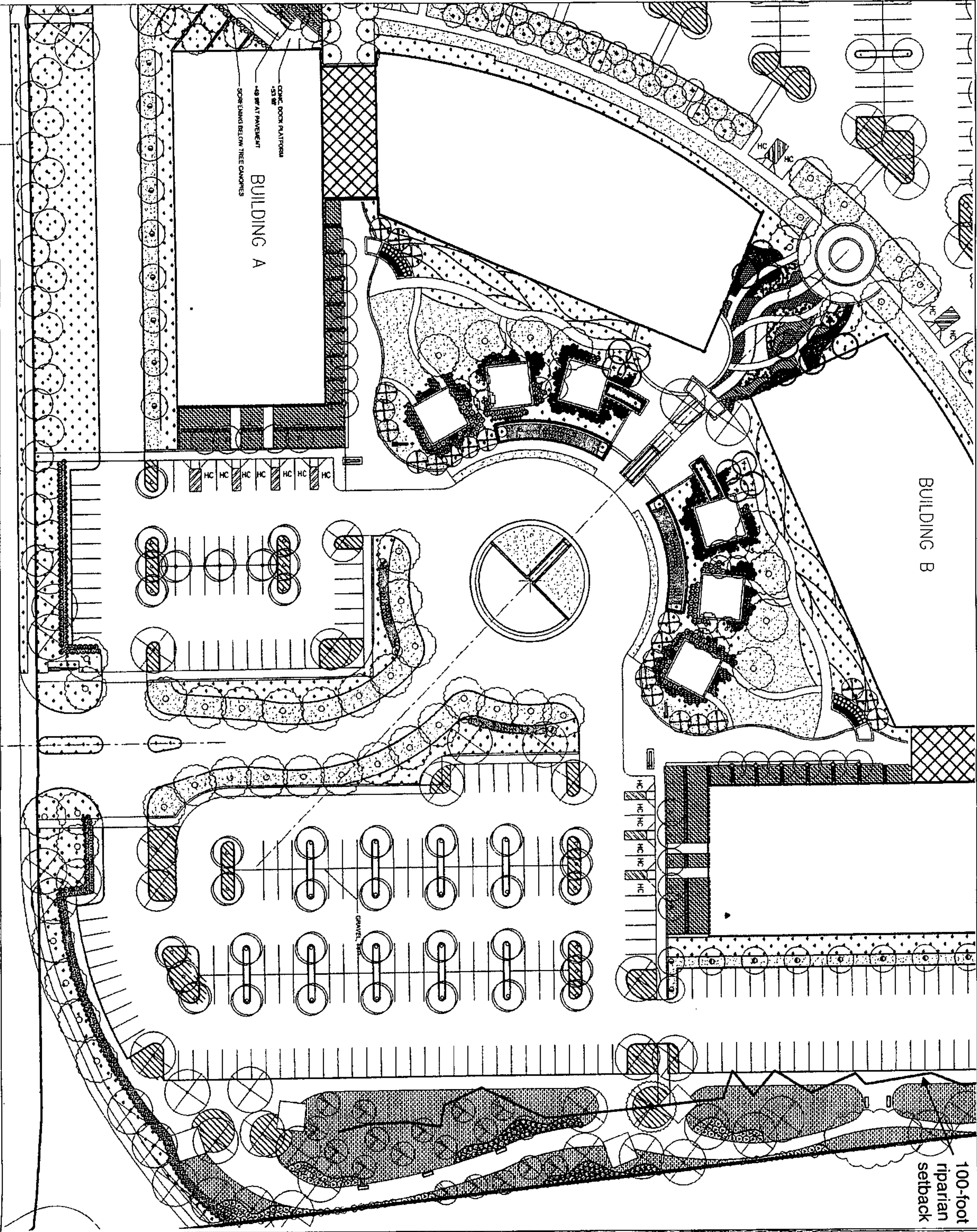
Parking would be provided in surface lots surrounding the perimeter of the buildings. The project proposes a total of 901 spaces, or approximately four spaces per 1,000 net square feet.

3. Site Access

Access to the site would be provided by two driveways from Ridder Park Drive (refer to Figure 4).

4. Grading

Development of the project would involve grading for drainage and building pad construction and excavation for utility lines and foundation footings. Existing site elevations range from approximately 52 feet NGVD (National Geodetic Vertical Datum) in the southwest corner of the site to 49 feet in the northwest corner of the site. The elevation in the area of the proposed buildings ranges from approximately 49 feet NGVD to 52 feet NGVD. Building pads will be constructed to an elevation of approximately 53 feet above mean sea level, with finished floor elevations of 54 feet above mean sea level. The proposed finished floor elevations are more than three feet above the projected flood level of 48.2 feet at Brokaw Road and 50.5 feet at Ridder Park Drive to protect the development from overflows from the adjacent Coyote Creek channel in the event of a 100 year flood.



TREE LEGEND

- ⊗ Big Leaf Maple (*Acer macrophyllum*)
- London Plane Tree (*Platanus acerifolia* 'Varwood')
- ⊙ Fremont Poplar (*Populus fremontii*)
- ⊕ Italian Buckhorn (*Rhamnus alaternus*)
- Black Locust (*Robinia ambigua* 'Idahoensis')
- ⊗ Coast Live Oak (*Quercus agrifolia*)
- Chanticleer Pear (*Pyrus calleryana* 'Chanticleer')
- Aristocrat Pear (*Pyrus aristocrat*)
- Fruitless White Mulberry (*Morus alba*)
- ⊗ California Sycamore (*Platanus racemosa*)
- Brisbane Box (*Tristania conferta*)
- Grape Myrtle (*Lagerstroemia indica* 'Muskogee')
- Grape Myrtle (*Lagerstroemia indica* 'Tuscarora')
- Grape Myrtle (*Lagerstroemia indica* 'Natchez')
- Cherry (*Pyrus yedensis* 'Akebono')

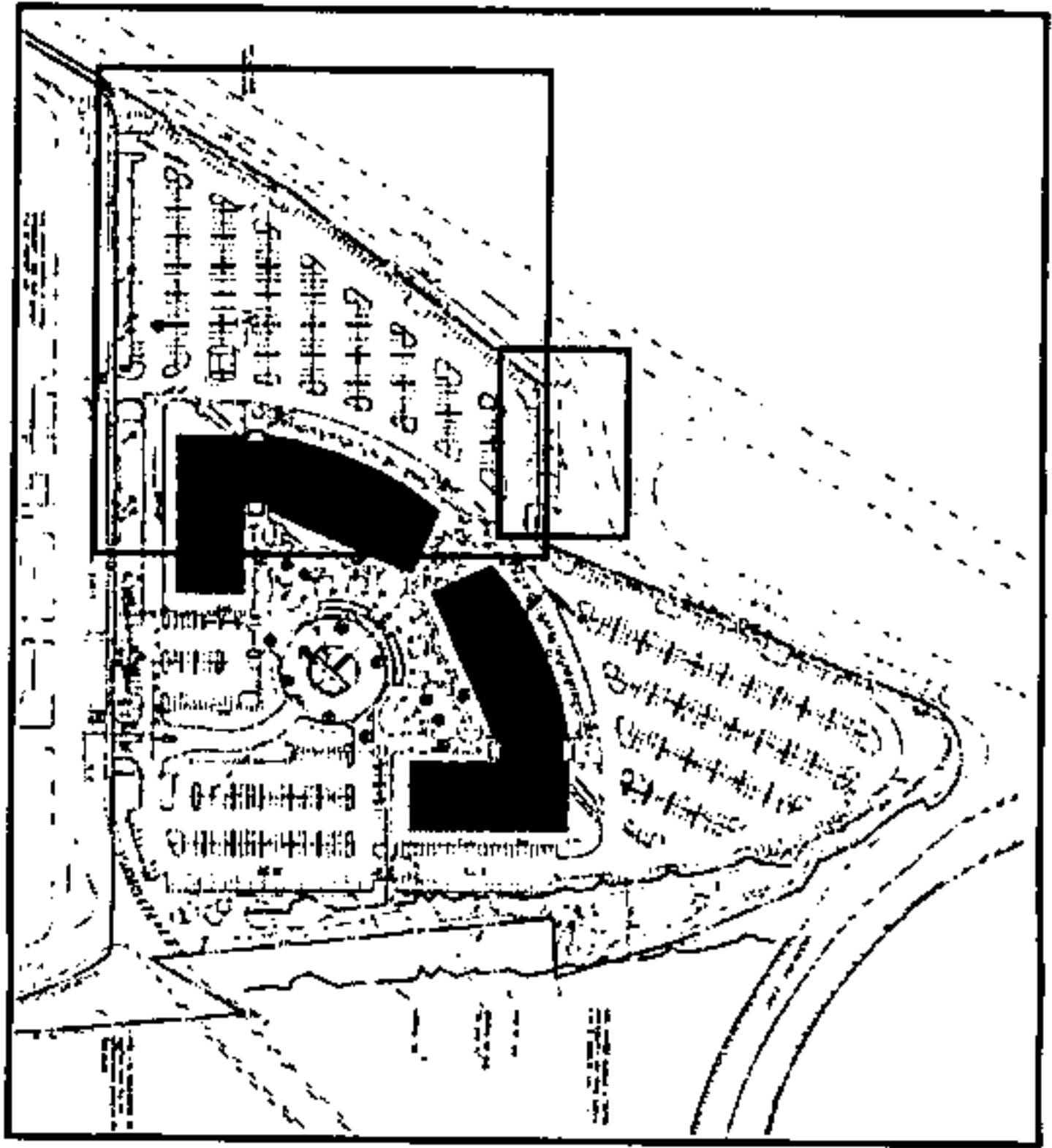
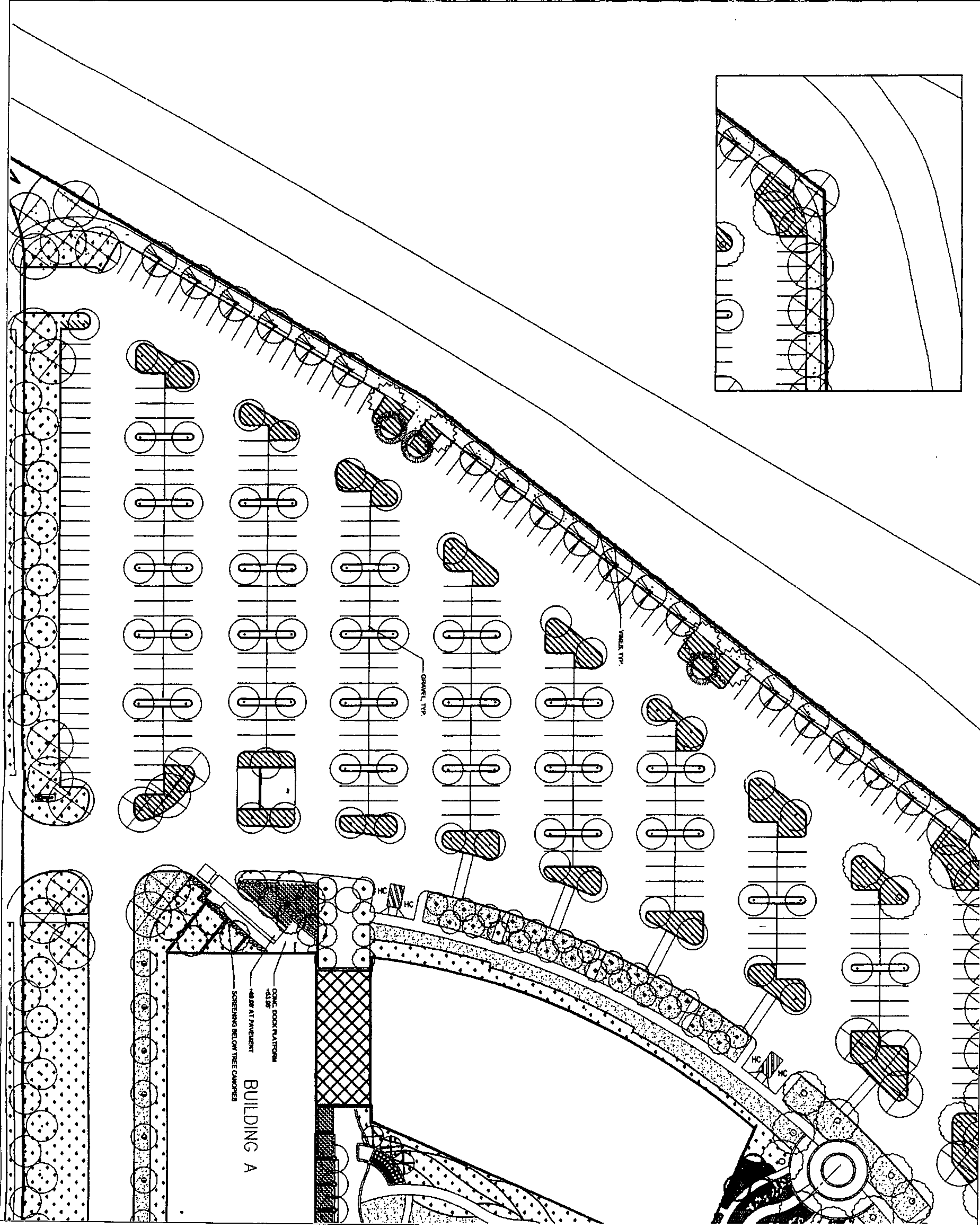


Scale: 1" = ± 60'

Source: MBT Architecture (12-8-00)

LANDSCAPE PLAN (PART A)

FIGURE 5A



TREE LEGEND

- Big Leaf Maple (*Acer macrophyllum*)
- London Plane Tree (*Platanus acerifolia* 'Varwood')
- Fremont Poplar (*Populus fremontii*)
- ⊕ Italian Buckhorn (*Rhamnus alaternus*)
- Black Locust (*Robinia ambigua* 'Idahoensis')
- ⊗ Coast Live Oak (*Quercus agrifolia*)
- Chanticleer Pear (*Pyrus calleryana* 'Chanticleer')
- Aristocrat Pear (*Pyrus aristocrat*)
- Fruitless White Mulberry (*Morus alba*)
- ⊗ California Sycamore (*Platanus racemosa*)
- Brisbane Box (*Tristania conferta*)
- Crape Myrtle (*Lagerstroemia indica* 'Muskogee')
- Crape Myrtle (*Lagerstroemia indica* 'Tuscarora')
- Crape Myrtle (*Lagerstroemia indica* 'Natchez')
- Cherry (*Pyrus yedoensis* 'Akebono')

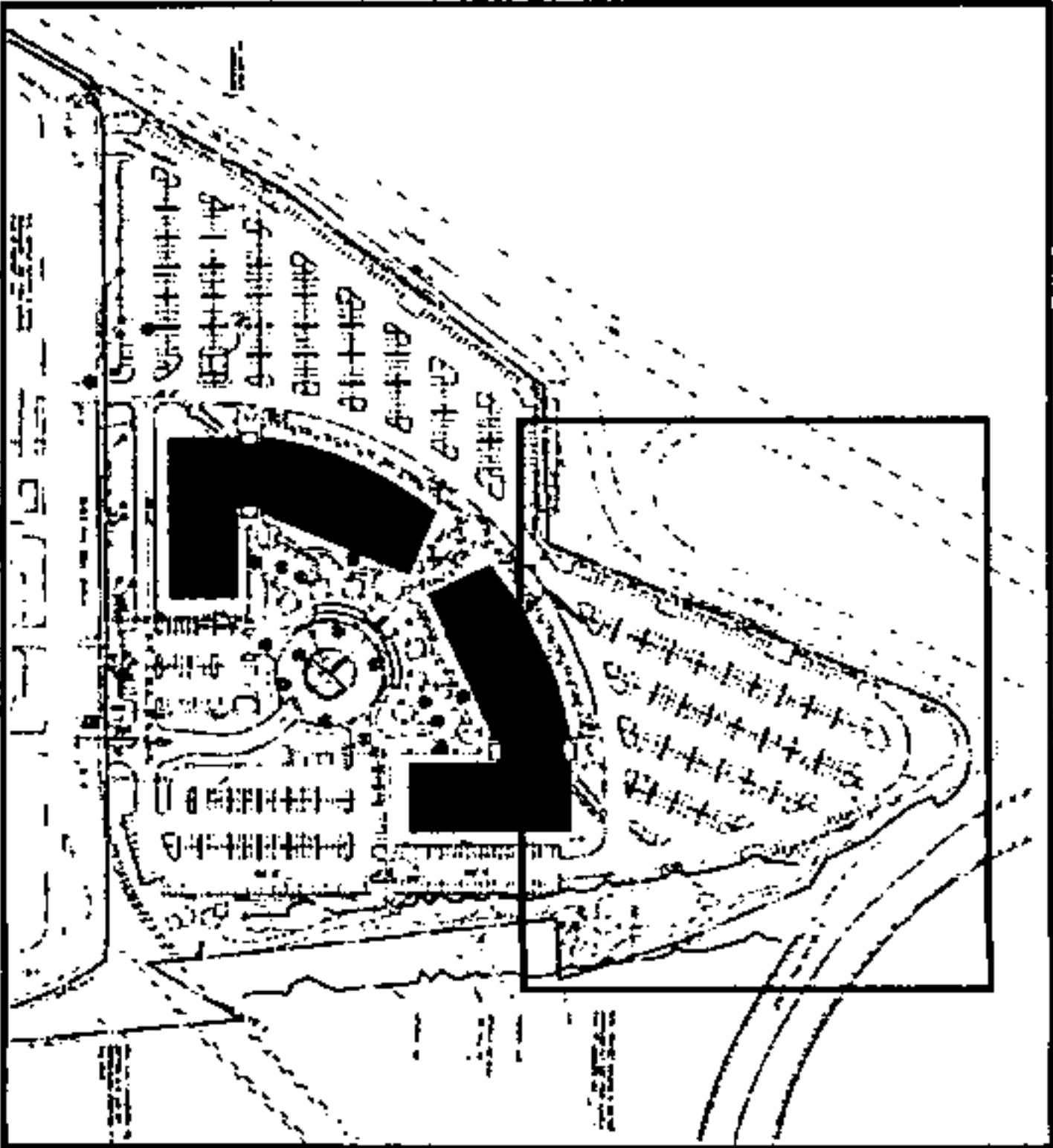
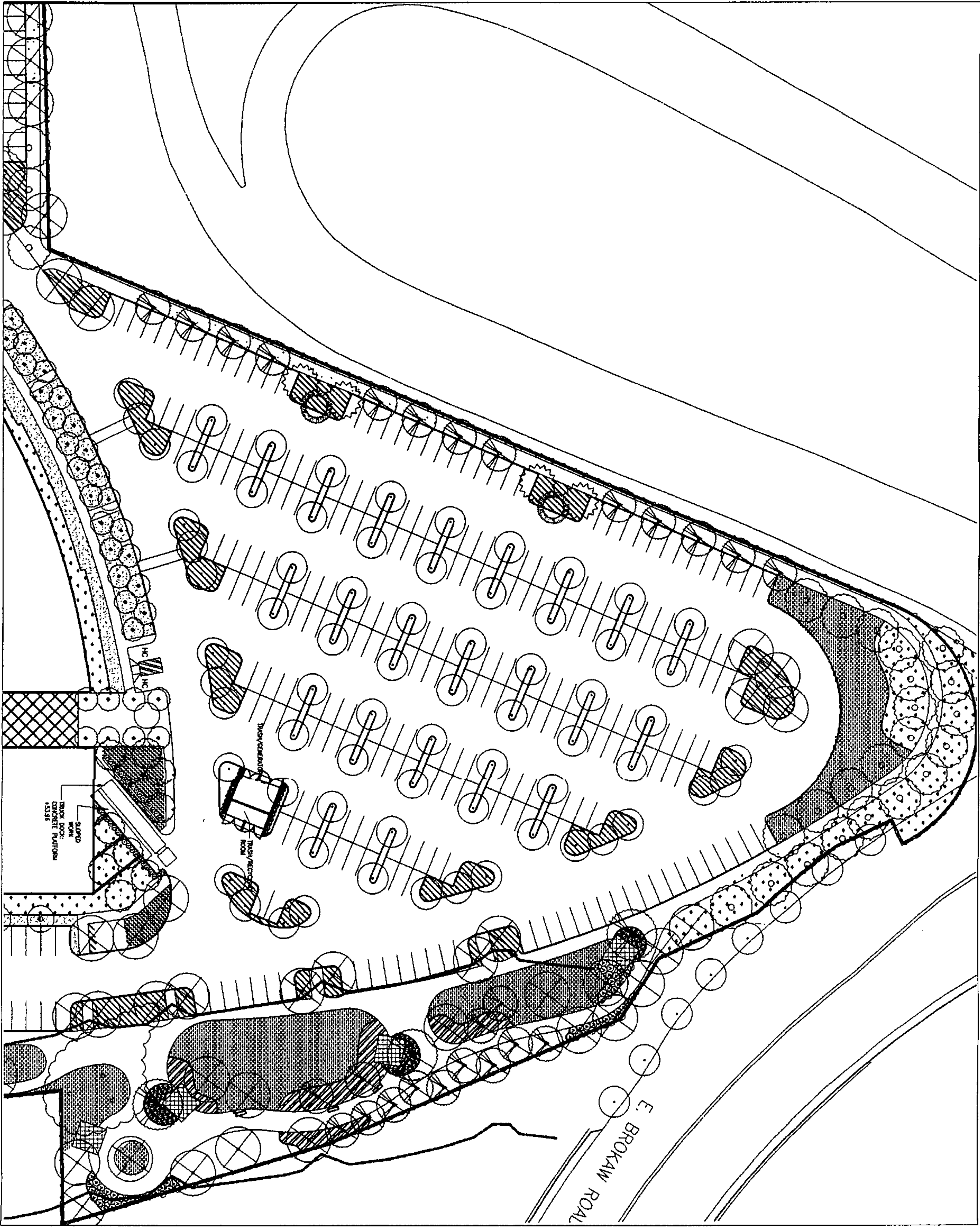


Scale: 1" = ± 60'

Source: MBT Architecture (12-8-00)

LANDSCAPE PLAN (PART B)

FIGURE 5B



TREE LEGEND

- Big Leaf Maple (*Acer macrophyllum*)
- London Plane Tree (*Platanus acerifolia* "Varwood")
- Fremont Poplar (*Populus fremontii*)
- ⊕ Italian Buckhorn (*Rhamnus alaternus*)
- Black Locust (*Robinia ambigua* "Idahoensis")
- ⊗ Coast Live Oak (*Quercus agrifolia*)
- Chanticleer Pear (*Pyrus calleryana* "Chanticleer")
- Aristocrat Pear (*Pyrus aristocrat*)
- Fruitless White Mulberry (*Morus alba*)
- ⊗ California Sycamore (*Platanus racemosa*)
- Brisbane Box (*Tristania conferta*)
- Grape Myrtle (*Lagerstroemia indica* "Muskogee")
- Grape Myrtle (*Lagerstroemia indica* "Tuscarora")
- Grape Myrtle (*Lagerstroemia indica* "Natchez")
- Cherry (*Pyrus yedensis* "Akebono")



Scale: 1" = ± 60'

Source: MBT Architecture (12-8-00)

LANDSCAPE PLAN (PART C)

FIGURE 5C

The preliminary earthwork quantities for the site are 15,000 cubic yards of cut and 15,000 cubic yards of fill. It is not anticipated that fill will be imported or exported from the site.

5. Utility, Storm and Sanitary Sewer Lines

Electricity, Natural Gas, and Telecommunications Service

Electricity and natural gas services are currently provided to the project area by Pacific Gas & Electric. Communications services are currently provided to the project area by Pacific Bell. Each of these utilities is available in the project vicinity and can be extended onto the project site.

Water Service

Water service is provided to the project area by San Jose Water Company. The existing water supply network serving the site vicinity consists of a 17.25-inch water main extending from East Brokaw Road to the Ridder Park Drive/Schallenberger Road intersection along the northern portion of the site. This water main connects to a 12.75-inch water main in Ridder Park Drive. Water service will be provided from one of these two mains. Three fire hydrants are present along the east side of Ridder Park Drive opposite the project site.

Recycled Water

A recycled water line extends from the San Jose/Santa Clara Water Pollution Control Plant (WPCP) to the project area along Brokaw Road. The reclaimed water line extends roughly parallel to Coyote Creek along the northern portion of the site.

The project will establish a connection to the existing recycled water line along the northeastern boundary of the site and use recycled water from the South Bay Water Recycling program for landscape irrigation and water features (fountains). Recycled water lines would be physically separated from potable water lines as required by City standards.

Sanitary Sewer Service

In the project area, a 10-inch sanitary sewer line extends in a northeast direction along Ridder Park Drive and to the northwest along the vacated Schallenberger Road alignment that extends along the northern boundary of the site, west of Ridder Park Drive. Building A will be connected to the sanitary sewer line along Ridder Park Drive and Building B will be connected to sanitary sewer line along the vacated Schallenberger Road alignment.

Storm Drainage

The southeastern part of the site would drain to catch basins and bioswales which discharge to the storm drain line extending southwest along Ridder Park Drive. This storm drain is connected to a 36-inch reinforced concrete pipe storm drain which runs northerly through the site along the western property boundary. This storm drain continues off-site under East Brokaw Road where it discharges to Coyote Creek through an outfall with a flapgate. The northwest portion of the site would also drain to catch basins and bioswales. Storm water from this section of the site would be conveyed to the storm drain along the western property boundary.

6. Public Street Right-of-Way Dedications

Minor public street right-of-way dedications will be made on Brokaw Road and Ridder Park Drive at Schallenberger Road where public streets currently exist on private property (refer to Figures 6A and 6B).

D. PROJECT OBJECTIVES

The applicant's primary objective for this project is to develop an economically viable, high-quality office/R&D complex for a single user in the North San Jose area, in conformance with the General Plan land use and economic development goals and policies of the City of San Jose.

The applicant's objectives for this project include:

- Implement the legislative approvals for the site, granted by the City Council in 1999 and 2000, including the General Plan amendment to *Industrial Park with a Mixed Use Overlay* and rezoning to *I-Industrial*;
- Develop an economically viable "corporate campus";
- Locate a "corporate campus" in close proximity to the North San Jose High Technology and Industrial sector to benefit from the synergistic effect with these uses;
- Locate on an under-utilized urban infill site;
- Comply with the setback requirements of the Riparian Corridor Policy and provide locally native plantings in the setback area; and
- Provide an office/R&D development with high quality architecture and urban design adjacent to the Interstate 880 corridor.

E. USES OF THE EIR

This EIR will provide decision-makers in the City of San Jose, responsible agencies and the general public with relevant environmental information to use in considering the proposed project. It is proposed that this EIR be used for appropriate project-specific discretionary approvals necessary to implement the project, as proposed. These discretionary actions include the following approvals:

City of San Jose	<ul style="list-style-type: none">• Site Development Permit• Tentative Map(s)• Grading Permit• Tree Removal Permit(s)
Regional Water Quality Control Board	<ul style="list-style-type: none">• National Pollutant Discharge Elimination System Permit (NPDES)
Santa Clara Valley Water District	<ul style="list-style-type: none">• Permit per District Ordinance 82-3

LINE TABLE:

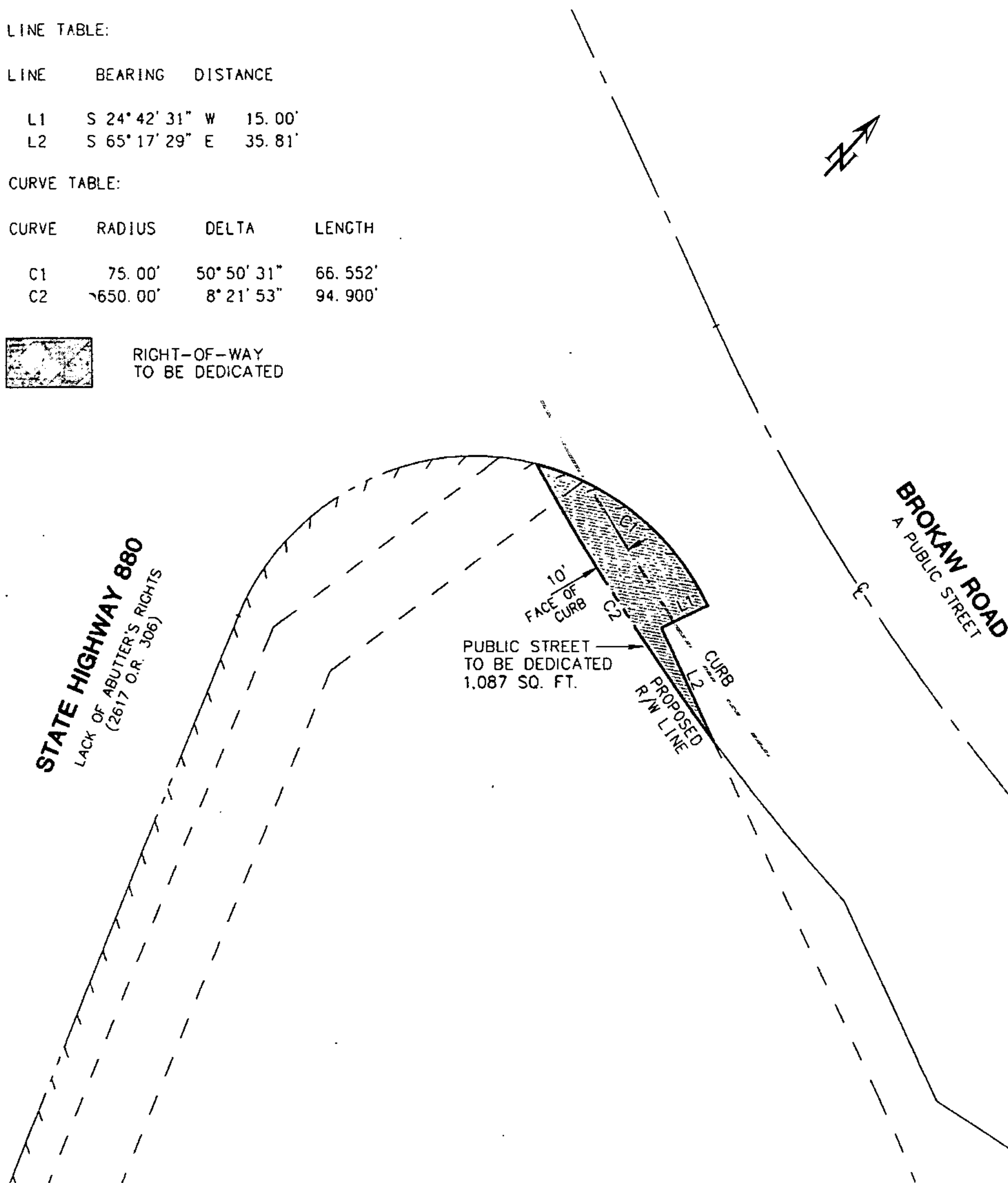
LINE	BEARING	DISTANCE
L1	S 24° 42' 31" W	15.00'
L2	S 65° 17' 29" E	35.81'

CURVE TABLE:

CURVE	RADIUS	DELTA	LENGTH
C1	75.00'	50° 50' 31"	66.552'
C2	650.00'	8° 21' 53"	94.900'



RIGHT-OF-WAY
TO BE DEDICATED



Source: Kier & Wright (Oct. 2000)

PUBLIC STREET DEDICATION (BROKAW ROAD)

FIGURE 6A

F. CONSISTENCY WITH ADOPTED PLANS AND POLICIES

1. Regional Plans and Policies

1982 Bay Area Air Quality Plan and 1997 Clean Air Plan ABAG/BAAQMD/MTC

The 1982 Bay Area Air Quality Plan and 1997 Clean Air Plan ('97 CAP) establish regional policies and guidelines to meet the requirements of the Clean Air Act, as amended through 1990. The Bay Area is a non-attainment area for ozone, since federal standards are exceeded for this pollutant. The Bay Area '97 Clean Air Plan is the current regional strategy for improving air quality. The Plan proposes the adoption of transportation, mobile source and stationary source controls on a variety of pollutant sources to offset population growth and provide improvement in air quality. The consistency of the proposed project with this regional plan is primarily a question of the consistency with the population/employment assumptions utilized in developing the Plan.

Discussion: The project will contribute to a change in traffic on the local street and regional transportation networks. New vehicle trips resulting from the proposed project will contribute to exceedances of regional air quality standards. Construction activities associated with the proposed development will generate minor temporary air pollution impacts.

The General Plan Amendment for the site approved in 1999 added 464 additional jobs to the City of San Jose General Plan land use buildout scenario. The project is not consistent with the 1997 Clean Air Plan because the growth projections in the Clean Air Plan are based on the projected 1994 General Plan buildout and the project proposes to increase the number of jobs in the General Plan buildout assumption. The proposed project includes transportation control measures, such as provision of bike lockers and showers for employees who bicycle to work, that would be consistent with the '97 CAP.

San Francisco Bay Region Water Quality Control Plan

The Regional Water Quality Control Board has developed and adopted a Water Quality Control Plan (Basin Plan) for the San Francisco Bay region. The Plan is a master policy document that contains descriptions of the legal, technical, and programmatic bases of water quality regulation in the San Francisco Bay region. The Regional Board first adopted a water quality control plan in 1975 and the last major revision was adopted in 1995.

The Plan provides a program of actions designed to preserve and enhance water quality and to protect beneficial uses. It meets the requirements of the U.S. Environmental Protection Agency and establishes conditions related to discharges that must be met at all times.

The implementation portion of the Basin Plan includes descriptions of specific actions to be taken by local public entities and industries to comply with the policies and objectives of the Plan. These include measures for urban runoff management and wetland protection.

Discussion: Although the proposed development would increase storm water runoff, development of the site would conform to the requirements of the City of San Jose regarding erosion and sedimentation control during construction and will prepare and conform to a

Storm Water Pollution Prevention Plan which addresses appropriate measures for reducing construction and post construction impacts from storm water runoff.

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program, previously called the Santa Clara Valley Non-Point Source Program, was developed in accordance with the requirements of the 1986 San Francisco Bay Basin Water Quality Control Plan, for the purpose of reducing water pollution associated with urban storm water runoff. This program was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the EPA develop National Pollution Discharge Elimination System (NPDES) Permit application requirements for various storm water discharges, including those from municipal storm drain systems and construction sites.

The State Water Resources Control Board implemented an NPDES general construction permit for the Santa Clara Valley. For properties of five acres or greater, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction. Subsequent to implementation of the general construction permit, the San Francisco Bay Regional Water Quality Control Board issued a Municipal Storm Water National Pollutant Discharge Elimination System (NPDES) Permit to the municipalities in Santa Clara Valley, the County of Santa Clara, and the Santa Clara Valley Water District (SCVWD) as co-permittees. The Urban Runoff Prevention Program assists the co-permittees in implementing the provisions of this permit.

The NPDES storm water permits that would apply to the project are the general construction activities permit (with which the owner of the property under construction must comply) and the municipal permit (with which the City of San Jose must comply). Under the provisions of the Municipal Storm Water NPDES Permit, the City is required to take steps within their area of authority to reduce or eliminate pollutants in storm water to the maximum extent practicable.

Discussion: This development will conform to the requirements of the NPDES permitting program. Potential impacts to the water quality of runoff could occur during construction. Runoff-borne pollution and associated impacts will increase both during and after construction of future development on the site. *Section II. G., Flooding, Drainage and Water Quality* of this DEIR identifies mitigation measures proposed to reduce water quality impacts in runoff, both for construction and in the long-term, which are consistent with the standards of the Urban Runoff Pollution Prevention Program.

Santa Clara County Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Santa Clara County *Congestion Management Program* (CMP), last updated in July 1995. The relevant State legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gas tax revenues. The CMP legislation requires that each CMP contain five mandatory elements: 1) a system definition and traffic level of service (LOS) standard element; 2) a transit service and standards element; 3) a transportation demand management and trip reduction element; 4) a land use impact analysis element; and 5) a capital improvement element. Santa Clara County's CMP includes the five mandated elements and three additional elements, including: a county-wide transportation

model and database element, an annual monitoring and conformance element, and a deficiency plan element.

Discussion: As discussed in *Section II. C., Transportation*, the proposed project would significantly impact one freeway segment (Interstate 880, between U.S. 101 and Brokaw Road interchanges). The CMP requires preparation of a deficiency plan when significant impacts occur to CMP facilities. The CMA has stated that local agencies do not need to prepare new deficiency plans pending completion of the Countywide Deficiency Plan. The project will, therefore, be consistent with the provisions of the Santa Clara Valley Congestion Management Plan.

2. Local Plans and Policies

San Jose 2020 General Plan

The General Plan is an adopted statement of goals and policies for the future character and quality of development in the community as a whole. The following is a summary of relevant sections of the General Plan that would apply to the proposed project.

Land Use/Transportation Diagram

The land use designations on the site include *Industrial Park* with a *Mixed Use Overlay* and *Heavy Industrial*. The *Industrial Park* designation covers a majority of the site with the *Heavy Industrial* designation being shown on the strip of land within 100 feet of the edge of the riparian corridor of Coyote Creek.

Discussion: The project proposes development of Office/R&D uses which is consistent with uses allowed under the *Industrial Park* with a *Mixed Use Overlay* designation. Areas designated as *Heavy Industrial* are included within the 100-foot setback from the riparian corridor of the Coyote Creek that is included in the project.

A proposed General Plan Amendment, initiated by the City of San Jose, would change areas of the site designated as *Heavy Industrial* to *Private Recreation*. The plantings of native trees and shrubs proposed within this area would be consistent with both the existing and proposed land use designations.

Major Strategies

Economic Development Strategy

The City of San Jose's Economic Development Strategy strives to make San Jose a more "balanced community" by: 1) encouraging more commercial and industrial growth to balance the existing residential development; 2) equitably distributing jobs and housing; and 3) controlling the timing of development. This concept is generally known as the jobs/housing balance.

Discussion: The proposed project will promote economic development in San Jose by adding new jobs in the North San Jose area.

Sustainable City Strategy

The Sustainable City Strategy reflects San Jose's desire to become an environmentally and economically sustainable city, minimizing waste and efficiently using its natural resources.

Discussion: Development of the site would utilize a vacant, urban in-fill site adjacent to Interstate 880. The project proposes to use recycled water for landscape irrigation and includes other "Green Building" measures to reduce energy and resource consumption.¹

Goals and Policies

Balanced Community Policy #1

The City should foster development patterns which will achieve a whole and complete community in San Jose, particularly with respect to improving the balance between jobs and economic development on the one hand, and housing resources and a resident work force on the other. A perfect balance between jobs and housing may not be achievable but the City should attempt to improve this balance to the greatest extent feasible.

Discussion: The need to encourage job growth and economic development would help generate a more robust and stable tax base that is necessary to fund the City's urban service needs. The proposed project would improve the balance between jobs and housing by contributing to the supply of jobs within San Jose's Urban Service Area.

Economic Development Policy #1

The City should reduce the present imbalance between housing and employment by seeking to obtain and maintain an improved balance between jobs and workers residing in San Jose. A perfect balance between the number of jobs and employed residents may not be achievable but the City should attempt to achieve a minimum ratio of 0.80 jobs per employed resident to attain greater fiscal stability.

Discussion: The proposed project improve the City's jobs and housing balance by increasing the number of jobs in San Jose.

Urban Design Policy #17

Development adjacent to creekside areas should incorporate compatible design and landscaping including plant species which are native to the area or are compatible with native species.

Discussion: Buildings and parking areas on the site will be set back a minimum of 100 feet from the edge of the riparian corridor of Coyote Creek. Plantings within setback areas will include local, native species. The use of invasive, exotic plant species will be avoided on the entire site.

¹The City of San Jose has developed Green Building Guidelines that include practices that are designed to promote the health and well being of building occupants with minimal impact on the environment. *Green Building Program Recommendations for Action* can be reviewed at the City's Environmental Services Department or accessed through the Internet at <http://www.ci.san-jose.ca.us/esd/index2.html>.

Level of Service Policy #5

The minimum overall performance of City streets during peak travel periods should be Level of Service "D".

Discussion: With the proposed mitigation included in the project, local and regional intersections within the City of San Jose will comply with the City's level of service requirements (refer to *Section II. C., Transportation*).

Scenic Routes Policy #1

Development within the designated Rural Scenic Corridors and along designated Landscaped Throughways, should be designed with the intent of preserving and enhancing attractive natural and man-made vistas.

Discussion: Interstate 880, an interstate highway, is designated as a Landscaped Throughway. The freeway is elevated above surrounding grade in the vicinity of Brokaw Road and the project will alter views of natural vistas, primarily a short segment of the riparian corridor of Coyote Creek near Brokaw Road and hillsides. The project proposes to plant native trees and shrubs within a 100 foot setback next to the riparian corridor, install landscaping at the perimeter of the site and around the buildings, and incorporate architectural design features in the building facades facing Interstate 880.

Scenic Route Policy #4

Any development occurring adjacent to Landscaped Throughways should incorporate interesting and attractive design qualities and promote a high standard of architectural excellence.

Discussion: As noted previously, Interstate 880, an interstate highway, is designated as a Landscaped Throughway. The project includes attractive design features facing the highway including curved facades, landscaping and fountains in courtyard areas.

Riparian Corridors and Upland Wetland Policies #3 and #4

New development within the Urban Service Area should be set back from the outside edge of riparian habitat (or top of bank, whichever is greater) a distance sufficient to buffer the impacts of adjacent human activities and provide avenues for wildlife dispersal.

New development should be designed to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.

Discussion: The project avoids development within a minimum 100 foot setback from the riparian corridor of Coyote Creek. On-site lighting and landscaping will be designed to avoid impacts to the riparian corridor.

Soils and Geologic Conditions Policies #6 and #8

Development in areas subject to soils and geologic hazards should incorporate adequate mitigation measures.

The Soils and Geologic Conditions Policy #8 states that development proposed within areas of potential geological hazards should not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties.

Discussion: Based on geotechnical sampling, liquefaction potential on the site is low. The potential geologic and seismic hazards on the site can be reduced to a less than significant level through the use of standard engineering design measures (see *Section II.F., Geology, Soils and Seismicity*).

North San Jose Area Development Policy

The North San Jose Area Development Policy was adopted by the City of San Jose on March 1, 1988. It applies to the industrial area that is generally south of SR 237, west of I-880, and northeast of U.S. 101. The Policy was adopted pursuant to General Plan Policy IV(5) for Traffic, which allows for adoption of an area development policy for a specific geographic area. This particular area development policy was also an outgrowth of the Golden Triangle Task Force, a regional interjurisdictional group convened to deal with the transportation issues in the northern part of Santa Clara County.

For development projects within the area covered by the North San Jose Area Development Policy, the provisions of that policy supersede the requirements of the General Plan Level of Service (LOS) Policy and Council Policy 5-3 (Transportation Level of Service), as provided in the General Plan itself.

The North San Jose Area Development Policy has four essential parts:

- 1) It establishes a requirement for preparation of a traffic impact analysis using the adopted Golden Triangle LOS calculation methodology for evaluating development proposals;
- 2) It requires an overall weighted average Level of Service "D" to be maintained for all intersections which are impacted one percent or more by a particular project.
- 3) For the purposes of evaluating conformance with this policy, regional transportation facilities are not included.
- 4) The policy applies to all participating jurisdictions.

Other features of the policy include an assumption that all vacant industrial parcels would be built with a maximum floor area ratio (FAR) of 0.35. Industrial serving commercial uses are exempted from the FAR assumptions.

Discussion: The proposed project does not exceed the maximum allowable FAR of 0.35 for the site. As discussed in *Section II. C., Transportation* of this EIR, the project complies with the average weighted LOS standard within the Golden Triangle and will meet the overall weighted average for the North San Jose Deficiency Plan area. The project also proposes to implement measures, such as the installation of bike racks and showers for employees, that conform to the Action Plan in the Deficiency Plan for North San Jose. As proposed, the project conforms to the North San Jose Development Policy.

Post-Construction Urban Runoff Management Policy

The City's Post-Construction Urban Runoff Management Policy states that all new development projects proposing 5,000 square feet or more of new building rooftop or paved

area, or 25 or more uncovered parking stalls should include the following: 1) install and maintain post-construction treatment control measures; 2) stencil on-site inlets in conformance with City requirements; and 3) clean on-site inlets a minimum of once per year, prior to the wet season. The Policy also identifies vegetative swales or biofilters as the preferred treatment control measures to be used wherever feasible for projects with suitable landscape areas.

Discussion: The project proposes to include post-construction treatment control measures such as the use of vegetated swales. The project will be consistent with the City's Post-Construction Urban Runoff Management Policy.

Riparian Corridor Policy

In May of 1994, the San Jose City Council adopted the Riparian Corridor Policy Study to guide the City's treatment of riparian corridors and protect biotic resource values when development occurs along creek systems. Riparian habitats are recognized as important natural resources because they support a great variety and abundance of aquatic and terrestrial species. Provisions of the adopted Riparian Corridor Policy Study have been incorporated into the City's General Plan Natural Resource Policies. This policy pertains to this project because Coyote Creek flows near the northern boundary of the site.

Guideline 1C: Setback Areas: Riparian Setback Dimensions

The City's Riparian Corridor Study Policy states that all buildings, structures, impervious surfaces, outdoor activity areas (except for passive or intermittent activities) and ornamental landscaped areas should be separated a minimum of 100 feet from the edge of the riparian corridor (or top of bank, whichever is greater).

Discussion: The project site includes development setbacks and other measures consistent with the Riparian Corridor Policy Study to avoid direct and indirect impacts to Coyote Creek.

The specific guidelines from the Riparian Corridor Policy Study most relevant to the project are related to setback areas and lighting. Development on the project site, including parking areas, would be set back a minimum of 100 feet from edge of the riparian corridor of Coyote Creek. Native trees and shrubs will be planted within the 100 foot setback and paths, but no impervious surfaces or active recreation areas will be installed within the setback. In addition, lighting adjacent to the setback area will be directed away from the riparian corridor and 100-foot setback area, and exotic plant species known to be invasive in riparian corridors will not be used in landscaped areas within 300 feet of the edge of the riparian corridor. There will be no hazardous materials storage or noisy mechanical equipment near the riparian corridor.

II. ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION

A. LAND USE

1. Existing Setting

Existing Land Use

The project site currently consists of approximately 17 acres of vacant land. The site is bordered by Ridder Park Drive, a two lane local street, Interstate 880 (I-880), the I-880 northbound off-ramp at Brokaw Road, and Coyote Creek. The Union Pacific railroad tracks border a small portion of the far eastern boundary of the site.

Surrounding Land Uses

The primary land uses surrounding the site are industrial, office/R&D, and commercial uses, as shown on Figure 3 and discussed below. Major roadways and the Coyote Creek channel are also located in close proximity to the site.

The primary land use to the west of the site is the I-880 freeway and State-owned right-of-way. West of the freeway are industrial and commercial uses.

Office/R&D and industrial uses, including the San Jose Mercury News printing facility, are located to the north, east and south of the site. A small section of the Union Pacific railroad tracks are located along the eastern boundary of the site located east of Ridder Park Drive. Brokaw Road, an arterial designated on the City's Land Use and Transportation Diagram, is located north of the site.

Coyote Creek forms a portion of the northern boundary of the site. The creek supports riparian trees and shrubs and flows year round.

Site Constraints

Physical conditions on or adjacent to the site that may constrain development of the site include the following:

- Potential flooding
- Proximity to Coyote Creek and its riparian corridor
- Proximity of the site to I-880
- Possible future ramp improvements to the I-880 northbound ramp at Brokaw Road

These conditions are briefly summarized below. Flooding issues are discussed in greater detail in *Section II. G. Flooding, Drainage and Water Quality*, wildlife habitat and potential lighting impacts to the riparian corridor of Coyote Creek are discussed in *Section II. B., Biological Resources*, and noise impacts from I-880 are discussed in *Section II. E. Noise*.

Flooding

Much of the project site is subject to shallow flooding from Coyote Creek. The area is mapped by FEMA as "Zone A6" with 100-year flood elevations ranging from 48.2 feet above mean sea level (msl) at Brokaw Road to 50.5 feet above msl at Ridder Park Drive.

Proximity to Coyote Creek

The project site is located adjacent to Coyote Creek, a stream channel which flows north to the south San Francisco Bay. Segments of the Creek that support mature woody vegetation are located adjacent to the site between Brokaw Road and Ridder Park Drive and along a narrow parcel between Ridder Park Drive, Schallenberger Road and the Union Pacific railroad tracks.

Proximity of the Site to I-880

The site is located adjacent to I-880, a City of San Jose Landscaped Throughway. Day-Night noise levels (DNL) on the portions of the site nearest I-880 exceed 75 decibels.

Possible Future Ramp Improvements at Brokaw Road

Caltrans right-of-way and the existing Brokaw Road off-ramp from northbound I-880 border the site. Caltrans and local agencies are considering possible physical improvements to this ramp which could extend onto the project site and may require acquisition of a portion of the project site.

2. Land Use Impacts

Thresholds of Significance

For the purposes of this project, a land use impact is considered significant if the project will:

- substantially adversely change the type or intensity of existing or planned land use in the area; or
- be incompatible with adjacent land uses or with the general character of the surrounding area, including density and building height; or
- conflict with established residential, recreational, educational, religious, or scientific uses of an area.

Land Use Conflicts

Land use conflicts can arise from two basic causes: 1) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere; or 2) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. Both of these circumstances are aspects of *land use compatibility*. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. Depending on the nature of the impact and its severity, land use compatibility conflicts can range from minor irritations and nuisances to potentially significant effects on human health and safety. The discussion below distinguishes between potential impacts from the proposed project upon persons and the physical environment, and potential impacts from the project's surroundings upon the project itself.

Impacts From the Project

The proposed project would construct two office/R&D buildings within an established industrial area. Since these uses are similar in nature to adjacent uses (in terms of hours of

operation, use patterns, and activity levels), the project would be compatible with nearby industrial and commercial uses.

Coyote Creek extends along the northeastern boundary of the site. West of Ridder Park Drive, the woody riparian vegetation along the creek borders the weedy, vacant lot habitat found on the site. A minimum riparian setback of 100 feet will be planted with locally native trees and shrubs to create a buffer between developed areas and the riparian corridor. A portion of the project site consists of a narrow parcel adjacent to Coyote Creek and Schallenberger Road, east of Ridder Park Drive. This parcel includes a narrow frontage between the edge of the riparian vegetation and the Schallenberger roadway. This narrow frontage would not be modified by the project. The riparian corridor of Coyote Creek is discussed in more detail in *Section II. B., Biological Resources*. The proposed project is not located adjacent to any other sensitive uses.

The planned route of the Coyote Creek/Llagas Sub-regional Trail, as identified in the Santa Clara County Trails Master Plan, extends in roughly a north-south direction from the Alameda County Line to the Santa Clara County Line south of Gilroy. This hiking and bicycle trail route would roughly follow Coyote Creek. The City of San Jose Scenic Routes and Trails map (1999) shows a trails and pathways corridor on the north side of Coyote Creek rather than adjacent to the project site. The proposed project, which includes a 100 foot development setback from the edge of the riparian corridor, would not preclude development of the Coyote Creek/Llagas Sub-regional Trail in the event routing of the trail was proposed on the southern side of the creek.

- **The proposed development would be compatible with nearby industrial and commercial uses. The project would not result in a significant land use compatibility impacts to riparian habitat along Coyote Creek or preclude development of planned trails. (Less than Significant Impact)**

Impacts to the Project

Although the project is located in an area of shallow flooding during a 100 year flood event, the project proposes to avoid impacts to people and property by elevating the buildings several feet above flood elevation levels.

The project site is located in an industrial area near a major highway. Existing noise levels on a small portion of the site planned for office/R&D uses are exposed to noise levels in excess of 75 dBA² DNL. The General Plan guidelines identify 45 decibels (dBA) DNL as an acceptable interior noise level for virtually all land uses, including office and industrial. An exterior noise level as high as 70 to 76 dBA DNL is considered acceptable for industrial uses if design measures to maintain a 45 dBA DNL interior noise level are provided.³ Based upon a noise analysis, the interior noise levels of the buildings would not exceed the 45 DNL interior noise standard. For areas exposed to noise levels in excess of 75 dBA DNL, additional noise attenuation measures for quiet areas, such as meeting rooms, may be desirable. Noise levels are discussed in greater detail in *Section II. E. Noise*.

²dBA refers to decibels measured using the A-scale to approximate the hearing range of the human ear.

³In the City's noise guidelines, an exterior noise level above 60 DNL for commercial office uses also requires attenuation to maintain an indoor level of less than or equal to 45 DNL.

As previously noted, Caltrans and local agencies are considering possible improvements to the Brokaw Road offramps from I-880. At this time, a final design has not been adopted or funded. Based on preliminary plans, the proposed buildings would not be within the area of ramp improvements. Landscaping, and possibly parking, in the northwest corner of the site near Brokaw Road would have to be removed to construct ramp improvements, however, and may result in the loss of required parking for the project. Improvements to the ramp could be physically accommodated on the site without the removal of the proposed buildings.

- **The project would not expose future users of the site to significant flood hazards or incompatible noise levels. Possible improvements to the Brokaw Road off-ramp from I-880 northbound could reduce the amount of landscaping and parking on the site. While plans for the off-ramp improvements have not been formally adopted or funded, it is anticipated that future improvements to the off-ramp could be physically accommodated on the site without the removal of the proposed buildings. (Less Than Significant Impact)**

Loss of Open Space

The project site consists of vacant land. It is not considered Prime Farmland or Farmland of Statewide Importance by the California Department of Conservation Farmland Mapping and Monitoring Program (1998).

Development of the site will result in buildings and parking lots replacing what is now visual open space (vacant land) within a developed area. Construction of the project would commit approximately 15.6 acres of the 17 acre site to urban uses for the foreseeable future. The portions of the site within 100 feet of the edge of the riparian corridor would remain as open space. This development will constitute a change in the visual character of site, and an incremental change for the Brokaw Road area of San Jose as a whole.

The site is in a developed industrial area within the City of San Jose's Urban Service Area. Development of the site would not result in a significant loss of open space or create a significant visual change for nearby uses.

- **Development of the 17 acre site will not result in a significant loss of open space. (Less than Significant Impact)**

B. BIOLOGICAL RESOURCES

The following discussion is based in part upon biological resources surveys completed by *H.T. Harvey & Associates, Inc.* Field surveys to identify the riparian corridor, survey mature trees, and survey for Burrowing Owls were conducted in November 1998. Additional surveys on May 6, 11, 12, and 20, 1999, and May 10, May 30, June 1 and June 3, 2000 were conducted to fulfill the California Department of Fish and Game (CDFG) protocol for Burrowing Owl surveys. The results of these surveys are included in Appendix A of this EIR.

1. Existing Setting

Biotic Habitats

The project site primarily supports a sparse covering of weedy vegetation characteristic of ruderal, vacant lot habitat.

Plant species typical of disturbed areas are found throughout this habitat. Dominant species observed include wild oats, ripgut grass, farmer's foxtail, Italian ryegrass, cheeseweed, and black mustard. A row of trees and shrubs including olive, Fremont cottonwood, California pepper, silver-leafed gum, oleander and juniper are planted along portions of Ridder Park Drive. Several large, mature California sycamores are within the boundaries of the site near the edge of the ruderal habitat, approximately 50 feet from the edge of the riparian corridor of Coyote Creek (refer to Figure 3).

The ruderal vegetation provides potential breeding habitat for the ground-nesting Killdeer and Burrowing Owl. Most of the bird species using the area during the breeding season nest in more heavily vegetated areas outside the project area, using the ruderal habitats on the site only for foraging. Such species include the White-tailed Kite, Red-tailed Hawk, American Kestrel, Mourning Dove, Loggerhead Shrike, American Crow, Red-winged Blackbird, and Brewer's Blackbird. Likewise, a few species nesting on nearby bridges and overpasses, such as the swallows, House Sparrow, Rock Dove, and European Starling, also forage on or over the ruderal habitats on the site.

Several other species of birds are expected to use the ruderal habitats on the site during the nonbreeding season. These species, which include White-crowned Sparrow, Golden-crowned Sparrow, Lesser Goldfinch, and American Goldfinch, forage on the ground or in herbaceous vegetation, primarily for seeds.

Reptiles and amphibians expected in the project area include western fence lizard, gopher snake, common garter snake, Pacific treefrog and western toad.

Small mammals expected to be present on the site include the California vole, western harvest mouse, house mouse, Norway rat, black rat, Botta's pocket gopher, and California ground squirrel. Larger mammals, such as the striped skunk, Virginia opossum, and raccoon also likely occur in these ruderal habitats, although the absence of cover over most of the site limits the value of the site to these larger animals.

Adjacent Riparian Habitat

Coyote Creek is a major drainage in the Santa Clara Valley. A relatively dense canopy of mature native trees grows along the creek near the site. Trees and shrubs found along the

creek include Fremont cottonwood, California sycamore, box elder, red willow and California bay. Non-native, invasive species found in the corridor include English elm, periwinkle and giant reed.

The western edge of the riparian corridor is bordered by a levee between Ridder Park Drive and Brokaw Road. Coyote brush, a common native shrub on disturbed sites, is scattered in patches along the top of this levee.

Special-Status Plant and Wildlife Species

Special-Status Plant Species

Several plant species that have been given special status under state and/or federal species legislation are known to occur in Santa Clara County. All of these special-status plants are found in habitat types that are not present on the project site. Due both to the lack of appropriate habitat and the highly disturbed condition of the site, no special-status plant species are expected to occur on-site. No further surveys for special-status plants are warranted.

Special-Status Animal Species

The nearby Coyote Creek corridor potentially could support several special status animal species including steelhead trout, red-legged frogs and nesting raptors including White-tailed Kite.

Steelhead rainbow trout (*Oncorhynchus mykiss*) is a federally listed Threatened species and considered by the State of California as a Species of Special Concern. The steelhead rainbow trout is an ocean-going form of rainbow trout that migrates upstream from the bay to spawn. No suitable habitat for this species is present on the site itself. However, steelhead rainbow trout are known to be present in Coyote Creek, spawning on gravel substrates in reaches of the creek upstream from the project site.

Red-legged frog (*Rana aurora draytonii*) is a federally listed Threatened species and considered by the State of California as a Species of Special Concern. Populations of red-legged frog are not known in the immediate vicinity of the site. Surveys for the California red-legged frog in the vicinity of the Oakland Road bridge, located approximately 1,200 feet upstream of the site, found a lack of suitable habitat and the presence of bullfrogs, a predator of the red-legged frog (H.T. Harvey, 1997).

Burrowing Owl (*Athene cunicularia*) is a California Species of Special Concern and is protected under the Federal Migratory Bird Treaty Act. The Burrowing Owl is a small, ground-dwelling owl that occurs on sites with low-growing vegetation. In California, Burrowing Owls are found in close association with California ground squirrels, but will also use man-made structures such as culverts and debris piles for shelter and nesting. Nesting and foraging habitat for Burrowing Owls in the South Bay area is rapidly being lost and becoming increasingly fragmented due to development. Based upon protocol-level surveys conducted in November 1998 and during the peak nesting seasons in May 1999 and June 2000, no Burrowing owls or evidence of their occupancy of the site in the form of feathers, castings or prey remains, were observed. Based upon these surveys, the site appears to be unoccupied by Burrowing Owls. The property is consistent with potential nesting habitat, however, as the site contains ground squirrel burrows and is located within the North San Jose area in the vicinity of existing Burrowing Owl populations.

White-tailed Kite (*Elanus caeruleus*) is a raptor, or bird of prey, protected by State and Federal statutes. This species prefers habitats with low ground cover and variable tree growth. Kite nests are built near the tops of oaks, willows, or other dense broad-leaved deciduous trees in partially cleared or cultivated fields, grassy foothills, marsh, riparian, woodland, and savannah. The riparian corridor of Coyote Creek provides potential nesting habitat for White-tailed Kites.

Mature Trees

The City of San Jose's Tree Removal Ordinance (San Jose Municipal Chapter 13.32) serves to protect all trees having a trunk that measures 56 inches circumference (18 inches in diameter) or greater measured at a height of 24 inches above natural grade. A tree survey of the project site and adjacent setback area within 100 feet of Coyote Creek found a total of 24 trees within the project site. The majority of these trees are landscape trees that have not reached ordinance-size. Trees are located along the perimeter of the site, primarily along Ridder Park Drive. Table 2 and Figure 7 list those trees on the site.

The only native tree species found on the site are western sycamore and Fremont cottonwood. Three sycamores along the northern boundary and two of the Fremont cottonwood that have become established along Ridder Park Drive are 18-inches in diameter or more.

2. Biological Resources Impacts

Thresholds of Significance

For the purposes of this project, a biological resources impact is considered significant if the project will:

- have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations;
- have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations;
- have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- conflict with any local ordinances protecting biological resources, such as a tree protection ordinance.

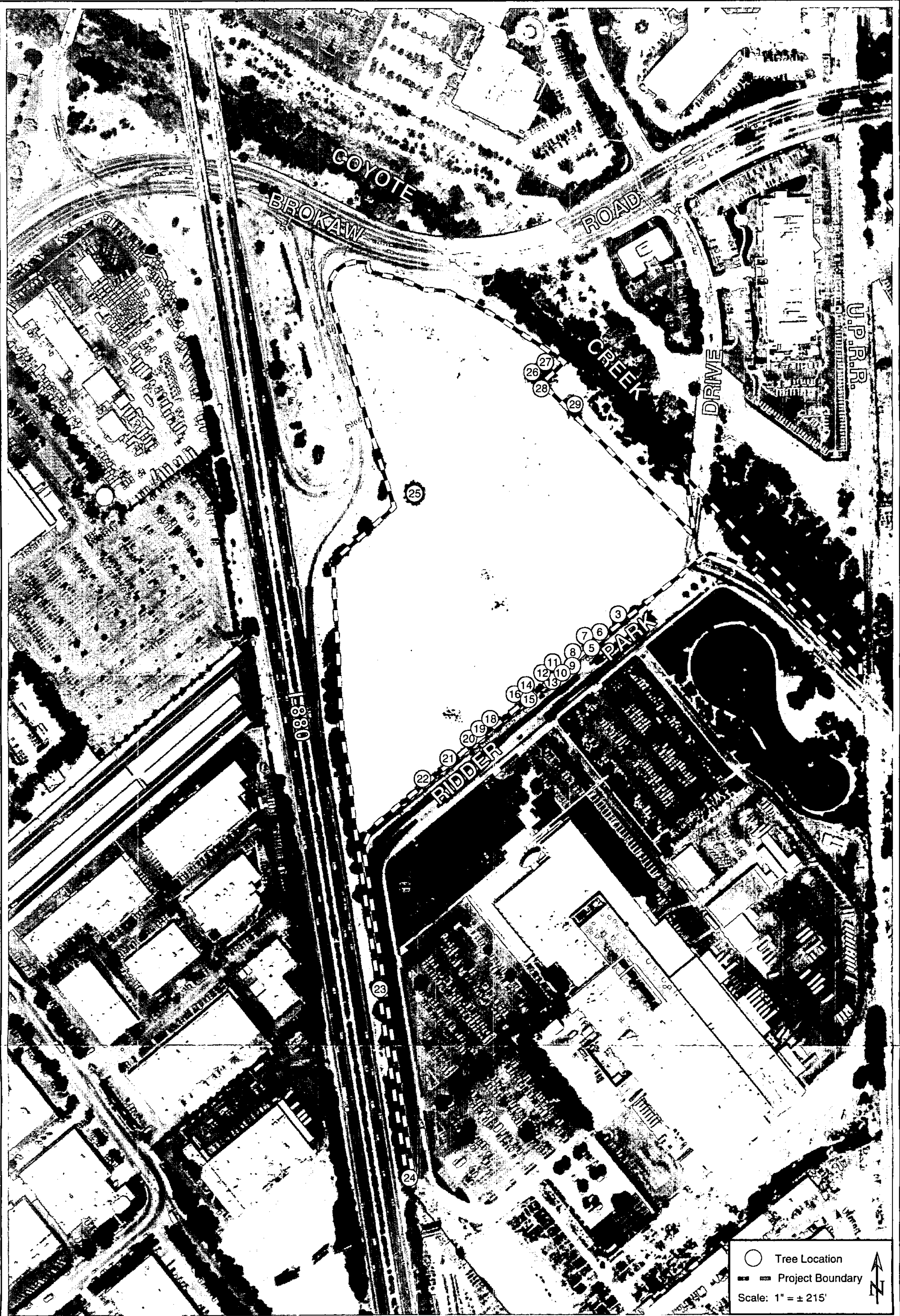
Overview

Direct impacts to wildlife species would result from grading, building construction, and human uses allowed under the proposed project. The conversion of the ruderal habitat on the site to office/research and development and other land uses, therefore, may result in the loss

TABLE 2 Tree Survey ⁴				
Tree No.	Common Name	Scientific Name	Diameter at 24" above grade (inches)	Health and Vigor ⁵
Trees Located on the Project Site				
3	common olive	<i>Olea europaea</i>	5,4,3,2,2	3
5	Fremont cottonwood	<i>Populus fremontii</i> spp. <i>fremontii</i>	9,7,6,6,4	3
6	pepper tree	<i>Schinus molle</i>	8,7,4	2
7	Fremont cottonwood	<i>Populus fremontii</i> spp. <i>fremontii</i>	9,7,6,4,4	3
8	Fremont cottonwood	<i>Populus fremontii</i> spp. <i>fremontii</i>	4,4,3,3	2
9	silver-leafed gum	<i>Eucalyptus pulverulenta</i>	16	3
10	Fremont cottonwood	<i>Populus fremontii</i> spp. <i>fremontii</i>	20,18,8,5,3	3
11	silver-leafed gum	<i>Eucalyptus pulverulenta</i>	7,5	2
12	Fremont cottonwood	<i>Populus fremontii</i> spp. <i>fremontii</i>	18,16,8,6	3
13	Fremont cottonwood	<i>Populus fremontii</i> spp. <i>fremontii</i>	12,11,6,6,4,4	3
14	silver-leafed gum	<i>Eucalyptus pulverulenta</i>	8	2
15	Fremont cottonwood	<i>Populus fremontii</i> spp. <i>fremontii</i>	8,4,2	1
16	pepper tree	<i>Schinus molle</i>	11,5	3
18	silver-leafed gum	<i>Eucalyptus pulverulenta</i>	11,5,3	2
19	pepper tree	<i>Schinus molle</i>	7,5	3
20	silver-leafed gum	<i>Eucalyptus pulverulenta</i>	7,7	3
21	common olive	<i>Olea europaea</i>	4,3,3,2,2	3
22	common olive	<i>Olea europaea</i>	3	2
23	common olive	<i>Olea europaea</i>	4,3,2,2	3
24	blue gum	<i>Eucalyptus globulus</i>	6,4,4,3,2	2
25	elm	<i>Ulmus</i> sp.	12,11,10,10,9,9,8,8	3
26	western sycamore	<i>Platanus racemosa</i>	30	4
27	western sycamore	<i>Platanus racemosa</i>	56	4
28	western sycamore	<i>Platanus racemosa</i>	68	4
Within 100 foot Riparian Setback, Immediately Adjacent to Site Boundary				
29	western sycamore	<i>Platanus racemosa</i>	40	4

⁴**Bold** indicates that tree is "ordinance size", or 18" or greater in diameter. Numbers 1, 2, 4, and 17 in the original survey are large oleander shrubs and are not included on this table. Tree number 29, which is shown on Figure 7, is located immediately adjacent to the project boundary.

⁵Health and vigor was assessed using a rating based on a scale of 0 to 5, with 0 indicating a dead tree and 5 a tree with very high vigor.



TREE LOCATIONS ON THE PROJECT SITE

FIGURE 7

of or reduction of use for some wildlife species. The existing wildlife species are usually replaced with a suite of species that tolerate these development activities.

Indirect impacts to wildlife could also occur. Lighting and human activities in close proximity to riparian habitat can adversely affect wildlife use within the riparian corridor and additional stormwater discharges could result in impacts to off-site habitat along Coyote Creek.

Impacts to Ruderal Habitat

All of the ruderal habitat of the project site would be directly impacted during development of the proposed project. The ruderal habitat on site provides only marginal habitat for most vertebrate species. Ruderal habitat is abundant throughout the region and the plants and animals that it supports are locally abundant. The loss of approximately 16 acres of ruderal habitat that does not support special status species would be a less-than-significant impact.

- **Development of the project site would impact ruderal habitat that is regionally common. The project would not result in direct impacts to a sensitive natural community. (Less Than Significant Impact)**

Potential Impacts to the Riparian Habitat Along Coyote Creek

The proposed project would not result in direct impacts to riparian habitat along Coyote Creek.

The project includes measures to limit indirect impacts due to development near the creek. Paved surfaces and buildings are setback a minimum of 100 feet from the edge of the riparian corridor of the creek (refer to Figure 4). An unpaved path will be located in the riparian setback area, but no paved surfaces or activity areas will be developed within 100 feet of the riparian corridor. The unpaved path would cover an area of approximately 0.1 acre.

To offset the impacts of the path associated with human activity, the project proposes to plant native trees, including coast live oak, western sycamore, and big-leaf maple within the area between the developed portions of the site and the creek to partially screen the riparian corridor from human intrusions and to provide cover for wildlife (refer to Figure 5A and 5C). Several mature, western sycamore trees within the setback area would also be retained.

Security lighting at the edge of parking areas adjacent to the 100-foot riparian setback will be directed downward using fixtures designed to minimize spillover and intrusion into the riparian corridor and setback area. The light source of any exterior nighttime security lighting would not be visible from the riparian corridor.

With the inclusion of the measures described above, development allowed under the proposed project would not result in significant impacts to riparian habitat.

- **The proposed project, which will be setback a minimum of 100 feet from the riparian corridor of Coyote Creek, will not result in direct or substantial indirect impacts to riparian habitat along the creek. (Less Than Significant Impact)**

Impacts to Special-Status Plant and Animal Species

Potential Impacts to Steelhead Rainbow Trout

The Steelhead rainbow trout is known to be present within Coyote Creek. Adult steelhead trout migrate in Coyote Creek from January through April, and smolts migrate downstream from March through May. Juvenile steelhead may remain in deep pools throughout the year. The reach of Coyote Creek in the vicinity of Oakland Road (southeast of the site) supports fair habitat for juvenile steelhead trout.

Substantial inputs of toxic or otherwise harmful substances (including sediment) into Coyote Creek could result in significant impacts to steelhead. Juveniles are particularly susceptible to the effects of these substances. The potential project impacts to water quality that could impact steelhead rainbow trout are discussed under *Degradation of Aquatic Habitat*, below.

Impacts to Nesting Raptors (including Burrowing Owls)

Impacts to Burrowing Owl Foraging and Nesting Habitat

As previously described, no Burrowing Owls, nor any evidence of their presence, were observed during protocol-level surveys conducted on the site in November 1998 and during the 1999 and 2000 nesting seasons. Based upon these surveys, the site appears to be unoccupied by Burrowing Owls for the last two to three years. Therefore, development of the project site would not result in project-level impacts to habitat *currently* occupied by nesting owls.

The cumulative impacts to Burrowing Owl habitat are addressed in *Section IV. Cumulative Impacts* of this EIR.

- **The project would not have a direct, substantial adverse effect on habitat currently occupied by nesting Burrowing Owls. (Less Than Significant Impact)**

Direct Impacts to Nesting Raptors During Construction

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state laws and regulations including the Migratory Bird Treaty Act and California Fish and Game Code section 3503.5. The White-tailed Kite and other raptors may breed in the trees on or immediately adjacent to the site. Removal, or disturbance adjacent to the vegetation, could result in nest abandonment.

Several raptors, including special-status species such as Loggerhead Shrike and White-tailed Kite, are known to occur in the project vicinity and may breed either on the site or close enough that nests may be potentially disturbed during the construction phase of the project. Areas of concern include shrubs and trees for Loggerhead Shrike and tall trees for White-tailed Kite.

The site also supports potentially suitable breeding habitat for Burrowing Owls, having areas with short vegetation and California ground squirrel burrows that provide suitable nesting sites. If Burrowing Owls move on to the site prior to construction, construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Construction activities such as site grading that disturb

a nesting Burrowing Owl on-site or immediately adjacent to the construction zone and/or destroy occupied burrows would constitute a significant impact.

- **The project could result in direct impacts to nesting raptors during construction. (Significant Impact)**

Degradation of Aquatic Habitat from Project Development

Development of the project site will increase the potential for storm water runoff to carry a variety of pollutants into Coyote Creek. Street runoff often carries grease, oil, and trace amounts of heavy metals into natural drainages. Runoff from landscaping can carry pesticides, herbicides, and fertilizers. Particulates generated by project traffic and construction that are deposited on paved surfaces and carried by runoff into natural waterways will increase sedimentation impacts to Coyote Creek and San Francisco Bay. Although the amounts of these pollutants ultimately discharged into these waterways are unknown, over time they could be substantial.

Significant degradation of Coyote Creek and the aquatic habitat it provides would reduce the number and diversity of aquatic invertebrate species. In turn, the number and diversity of aquatic and terrestrial vertebrates which prey on aquatic organisms can be expected to decline⁶. The degradation of the aquatic habitat found in Coyote Creek could be a significant impact.

- **Development of the project site could increase the amount of toxic contaminants and sediment in storm water runoff, which could adversely affect aquatic habitat in Coyote Creek. (Significant Impact)**

Mature Trees

As previously described, trees on the site are primarily located along Ridder Park Drive. The project would retain three ordinance-sized Western sycamore trees within the 100-foot riparian setback area within the site boundaries (Tree Nos. 26, 27, and 28 as shown in Table 2 and on Figure 7). Two ordinance sized Fremont cottonwood trees along Ridder Park Drive would be removed by the project along with approximately 24 trees that have not reached ordinance size. The project includes landscaping at the perimeter of the site, in courtyards and in parking areas. Trees to be planted include native Fremont cottonwood near Brokaw Road and along portions of Ridder Park Drive. The project would not involve the removal of a substantial number of ordinance size trees or conflict with the City of San Jose's tree protection ordinance.

- **The project would impact two ordinance size trees and 24 smaller trees. The project includes landscape tree plantings that would off-set the removal of existing trees. The project would not conflict with the City of San Jose's tree protection ordinance. (Less Than Significant Impact)**

⁶Aquatic vertebrates found in Coyote Creek include steelhead rainbow trout. Terrestrial vertebrates that feed on aquatic organisms include Common Egret, Kingfisher, and Black Phoebe.

3. Mitigation Measures

Riparian Habitat Along Coyote Creek

Although not identified as a significant impact, the project includes the following measures to reduce indirect impacts to riparian habitat along Coyote Creek:

- Security lighting at the edge of parking areas adjacent to the 100-foot riparian setback will be directed downward using fixtures designed to minimize spillover and intrusion into the riparian corridor and setback area. The light source of any nighttime security lighting will not be visible from the riparian corridor.
- Any fencing within the riparian corridor setback area will be designed in a manner that would not limit wildlife movement.
- During the construction phase, the riparian corridor of the Coyote Creek will be protected from sediment-laden runoff and encroachment by placement of a temporary plastic fence and hay bales along the edge of the riparian corridor or project boundary nearest the corridor.
- The project will avoid landscaping with invasive, exotic species. Examples of some of the more invasive species include: tree of heaven (*Ailanthus altissima*), pampas grass (*Cortaderia jubata*), periwinkle (*Vinca major*), and English ivy (*Hedera helix*). Plantings of landscape tree species such as London plane tree that could pollinate native Western sycamores along the riparian corridor, will be set back a minimum of 300 feet from the edge of the riparian corridor. **(Less Than Significant Impact)**

Impacts to Special Status Animal Species

Direct Impacts to Nesting Raptors During Construction

- Preconstruction surveys for nesting raptors (such as White Tailed Kite and Loggerhead Shrike) will be conducted to ensure that no raptor nests will be disturbed during construction. Surveys will be conducted no more than 14 days prior to the initiation of construction activities during January through April (the early part of the breeding season) and no more than 30 days prior to the initiation of construction activities during May through September (the latter part of the breeding season). During preconstruction surveys, all trees in and immediately adjacent to construction areas will be inspected for raptor nests. If an active raptor nest is found, a construction-free buffer zone (typically 250 feet) will be established around the nest for the duration of breeding activity until young birds have fledged.
- In conformance with federal and state regulations regarding protection of raptors, appropriate preconstruction surveys for Burrowing Owls following California Department of Fish and Game protocols will be completed prior to any development to ensure that owls have not moved onto the site.

Preconstruction surveys will be conducted no more than 30 days prior to the start of site grading. If breeding owls are located on or immediately adjacent to the site, a

construction-free buffer zone (typically 250 feet) around the active burrow will be established for the duration of breeding by owls until young birds have fledged.
(Less Than Significant Impact with Mitigation)

Degradation of Aquatic Habitats

- The project will comply with the NPDES General Construction Activity Storm Water Permit administered by the Regional Water Quality Control Board. Prior to construction grading for the proposed land uses, the applicant will file a "Notice of Intent" (NOI) to comply with the General Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. The SWPPP will be submitted to the City of San Jose Department of Environmental Services. The following measures would be included in the SWPPP:
 - Preclude non-storm water discharges to the storm water system.
 - Perform monitoring of discharges to the storm water system.
- The project will submit a copy of the draft SWPPP to the City of San Jose Department of Environmental Services for review and approval prior to construction of the project.
- The project will comply with the City of San Jose Grading Ordinance, including erosion- and dust-control during site preparation and with the City of San Jose zoning ordinance requirement for keeping adjacent streets free of dirt and mud during construction. The following specific measures would be implemented to prevent storm water pollution and minimize potential sedimentation during construction.
 - restricting grading to the dry season or meet City requirements for grading during the rainy season;
 - use silt fencing to retain sediment on the project site;
 - providing temporary cover of disturbed surfaces to help control erosion during construction;
 - provide temporary cover of all disturbed surfaces to help control erosion during construction.
 - provide permanent cover to stabilize the disturbed surfaces after construction has been completed.
- The project design would include features to minimize nonpoint source pollutants from entering the Coyote Creek channel. Such features will include placement of a temporary plastic fence and hay bales along the edge of the riparian corridor or project boundary nearest the corridor during construction. Post construction runoff will be controlled by vegetated swales and inlet filters.
- In order to comply with the City of San Jose Grading Ordinance, recycled water must be used for all nonpotable uses during construction. Prior to use of this water, a permit will be obtained from San Jose Municipal Water.
- As part of the mitigation for post-construction runoff impacts addressed in the SWPPP, the project will implement regular maintenance activities (*i.e.*, sweeping, cleaning storm water inlet filters, litter control) at the site to prevent soil, grease, and

litter from accumulating on the project site and contaminating surface runoff. Storm water catch basins will be stenciled to discourage illegal dumping. **(Less Than Significant Impact with Mitigation)**

Mature Trees

Although not a significant impact, the following measures are included to offset impacts to trees and protect the native trees that are to be retained.

- In order to reduce the impact from the loss of ordinance-sized trees, the project includes the replacement of all mature trees that cannot be incorporated into future site plans as follows:
 - Replacement of all ordinance size trees removed by the project with 24" box specimens at a 4:1 replacement ratio. [2 trees impacted: 8 planted]
 - Replacement of trees with diameters of 12-18 inches with 24 inch box specimens at a 2:1 replacement ratio. [3 trees impacted: 6 planted]
 - Replacement of trees with diameters less than 12 inches with 15 gallon specimens at a 1:1 replacement ratio. [16 trees impacted: 16 planted]

Using these replacement ratios, the project will plant, at minimum, 14, 24" box specimens and 16, 15 gallon specimens.

- The project will follow tree protection measures during construction. A Tree Protection Zone, defined as the dripline of the tree canopy, will be maintained around the Western sycamores to be retained on the site and the Western sycamore (Tree number 29 on Figure 7) immediately adjacent to the project site within 100 feet of the riparian corridor of Coyote Creek. Tree protection measures to be followed during construction include:
 - Temporary construction fences will be placed at the dripline, completely enclosing the Tree Protection Zone, prior to grubbing or grading, as approved by a consulting arborist. Fences will remain in place until all grading and construction is completed.
 - No grading, construction, demolition or other work will occur within the Tree Protection Zone. Any modifications will be approved and monitored by a consulting arborist.
 - Any root pruning required for construction purposes will be supervised by a consulting arborist.
 - If an injury should occur to any tree during construction, it will be evaluated as soon as possible by a consulting arborist so that appropriate treatments can be applied.
 - Root-injured trees have a limited capacity to absorb water. Therefore, it is important to insure adequate soil moisture in the area of active roots. One to

several irrigations, as specified by a consulting arborist, may be applied to trees that are at risk.

- No excess soil chemicals, debris, equipment or other materials will be dumped or stored within the Tree Protection Zone.
- Tree pruning needed for clearance during construction will be performed by a Certified Arborist.
- Trees to be preserved can be pruned to clean and elevate the crown, and to thin foliage on heavily end-weighted branches. All pruning will be completed by a Certified Arborist or Tree Worker and adhere to the Tree Pruning Guidelines of the International Society of Arboriculture. **(Less Than Significant Impact with Mitigation)**

Conclusion: Implementation of the mitigation measures described above and included in the proposed project will reduce biological resources impacts to a less than significant level. **(Less Than Significant Impacts with Mitigation)**

C. TRANSPORTATION

The following discussion is based upon a Transportation Impact Analysis (including an addendum) completed by *DKS Associates*. A copy of the transportation analysis and the addendum are presented in Appendix B of this EIR.

1. Existing Setting

The existing transportation system serving the project area is described in this section. The transportation system includes the roadway network, transit system, and facilities for pedestrians and bicycles.

Roadway Network

Regional access to the site is provided by several State of California Department of Transportation (Caltrans) freeway facilities. Local access to the site is provided by County expressways and several major arterial streets. The local roadway network and study intersections are shown on Figure 8.

Freeways

Interstate 880 (I-880) extends southeast from I-980 in Oakland to I-280 in San Jose, where it becomes State Route 17 to Santa Cruz. I-880 has three lanes in each direction north of Montague Expressway and two lanes in each direction south of Montague Expressway. I-880 has no high-occupancy vehicle (HOV) lanes in Santa Clara County. Access to the site is provided via its interchange at Brokaw Road.

Interstate 680 (I-680) extends south from I-80 in Solano County to US 101 in the San Jose Area. In the South Bay area, the I-680 facility has four travel lanes in each direction. I-680 has no HOV lanes in the study area. Access to the site is provided via its interchanges with Montague Expressway/Landess Avenue, North Capitol Avenue, Hostetter Road and Berryessa Road.

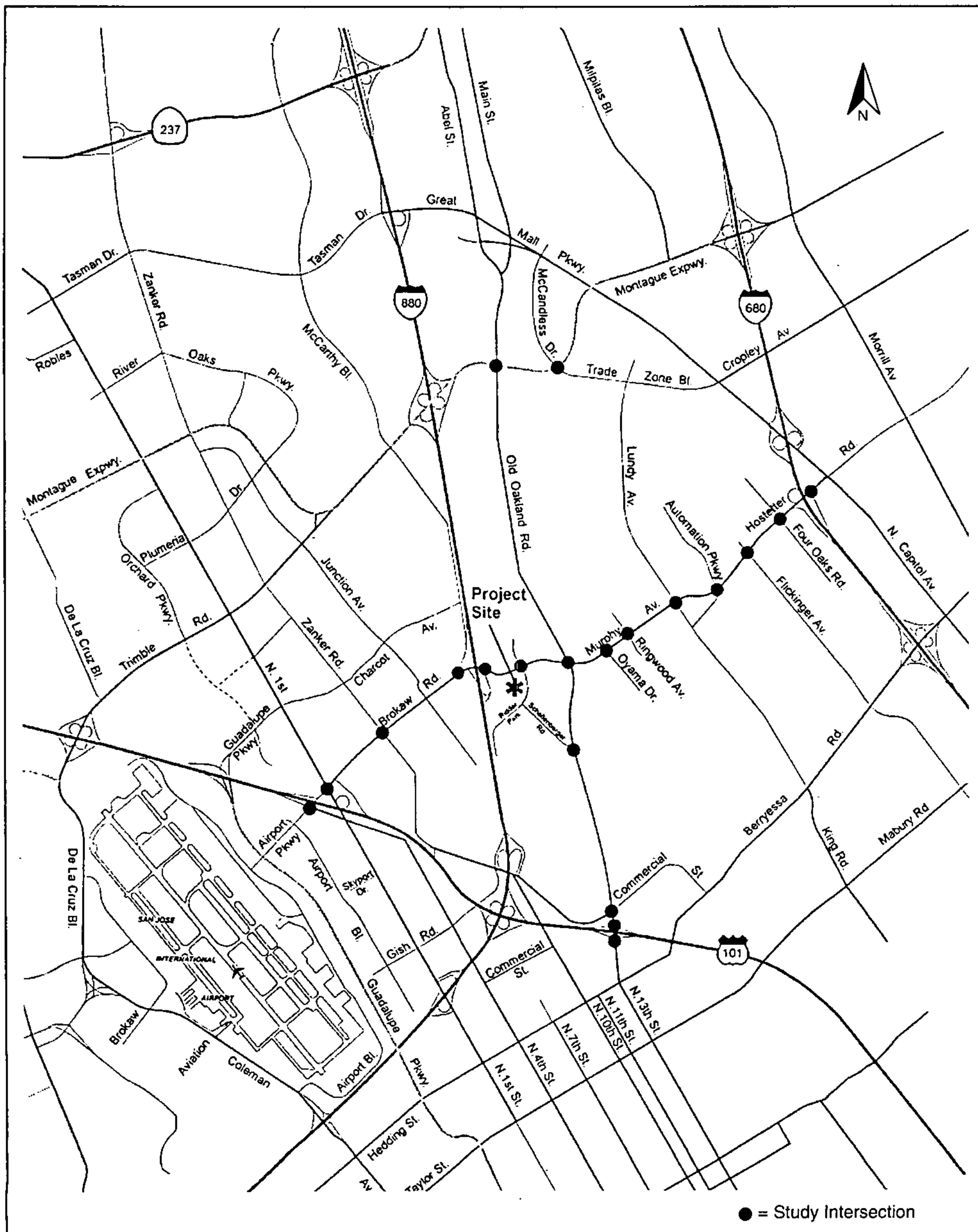
U.S. Highway 101 (US 101) extends northward from Los Angeles to the Oregon border. In the vicinity of the site there are three mixed-flow lanes plus a HOV lane in each direction of travel. Access to the site is provided via interchanges at I-880, Montague Expressway, Trimble Road, Guadalupe Parkway, North First Street, North Fourth Street, and Old Oakland Road.

County Expressways

Montague Expressway is a six-lane expressway that extends between I-680 and US 101. Montague Expressway has one HOV lane in each direction of travel. The HOV lanes are restricted to vehicles with two or more passengers during the morning commute period of 5:00 - 9:00 AM (westbound) and during the evening commute period of 3:00-7:00 PM (eastbound).

Local Streets (Arterials and Local Roadways)

Brokaw Road is a six-lane major arterial that runs between Old Oakland Road and Airport Parkway. This facility provides access to the project site via Ridder Park Drive.



ROADWAY NETWORK

FIGURE 8

Hostetter Road/Murphy Avenue is a six-lane divided arterial with a bike lane in each travel direction. It originates at North Capitol Avenue and becomes Brokaw Road at the intersection of Old Oakland Road.

Great Mall Parkway/Capitol Avenue is a six-lane divided arterial as Great Mall Parkway and a four-lane undivided arterial as Capitol Avenue. It originates at the Great Mall interchange with I-880. At Montague Expressway it changes names to Capitol Avenue and merges with Capitol Expressway east of I-680.

Berryessa Road is a four-lane divided arterial with a bike lane in each direction. This east-west roadway extends from just east of I-680 to Old Oakland Road.

Lundy Avenue is a four-lane north/south divided arterial. Lundy Avenue changes to King Road at the intersection of Berryessa Road.

North First Street is a four-lane north/south divided arterial. The Santa Clara Valley Transportation Authority (VTA) light rail line extends along North First Street from downtown San Jose to Tasman Drive.

North Fourth Street is a four-lane north/south divided arterial from US 101 to Jackson Street. South of Jackson Street, North Fourth Street is one-way, southbound.

Old Oakland Road is a four-lane divided arterial that parallels I-880. It is named Main Street north of Montague Expressway and North Thirteenth Street south of US 101. It provides access to the site via Schallenberger Road and Brokaw Road.

Ridder Park Drive is a local roadway that originates at I-880 and extends to the north, generally parallel to the freeway, until it terminates north of Brokaw Road. Ridder Park Drive generally forms the southeastern project boundary.

Schallenberger Road is a local roadway that extends from Old Oakland Road to its terminus at Ridder Park Drive.

Existing Transit Service

Existing transit service to the area is provided by the Valley Transportation Authority. The VTA bus routes that are accessible from the project site include routes 56, 59, 66, and 180. The services are described below and are presented graphically in Appendix B.

Route 56 operates between Fair Oaks and El Camino Real in Sunnyvale to downtown Milpitas. In the project vicinity, Route 56 runs along Charcot Avenue and along North First Street, north of Guadalupe Parkway. It operates during AM and PM weekday peak periods (6:00 AM to 9:00 AM and 3:00 PM to 6:00 PM) with a 30 minute headway.

Route 59 provides service from East San Jose to the Great America Amusement Park. In the project vicinity, Route 59 runs along Brokaw Road. It operates on weekdays from 6:00 AM to 6:30 PM with 40-45 minute headways during commute hours and 60 minute headways mid-day.

Route 66 extends from Santa Teresa Hospital in South San Jose to Milpitas. In the project vicinity, Route 66 runs along Old Oakland Road. This route operates on weekdays from

5:00 AM to 11:30 PM with 15 minute headways during commute hours, 20 minute headways mid-day, and 30-60 minute headways at night.

Route 180 is an express route that provides service between the Fremont BART station and the Diridon rail station in San Jose. The route travels primarily in the I-680, I-880 and North First Street corridors. This route operates weekdays from 4:30 AM to 12 midnight and on weekends from 6:30 AM to 11:30 PM. Headways are every 15 minutes during commute hours, 30 minutes mid-day, 30-60 minutes at night and 30-60 minutes on weekends.

Bicycle and Pedestrian Facilities

Bicycle lanes are located along the Brokaw Road/Murphy Road corridor and on Old Oakland Road. Paved pedestrian sidewalks are provided on many of the roadways surrounding the proposed project site. Crosswalks with pedestrian crossing signals are provided at the signalized intersections in the vicinity.

Existing Intersection Levels of Service

Level of Service Definitions

Traffic conditions at the study intersections were evaluated using the concept of Level of Service (LOS). Level of Service is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays.

The level of service methodology used for regional intersections and local intersections in San Jose is TRAFFIX, which is based on the *Highway Capacity Manual (HCM)* method for signalized intersections. TRAFFIX evaluates signalized intersection operations on the basis of average delay time for all vehicles at the intersection. The relationship between average delay and level of service is shown in Table 3.

TABLE 3		
Intersection Level of Service Definitions Based on Delay (TRAFFIX)		
Level of Service	Definition	Average Total Delay (sec/veh)
A	Insignificant delays: No approach phase is fully utilized and no vehicle waits longer than one red indication.	Less than 5.0
B	Minimal delays: An occasional approach phase is fully utilized. Drivers begin to feel restricted.	5.1 to 15.0
C	Acceptable delay: Major approach phase may become fully utilized. Most drivers feel somewhat restricted.	15.1 to 25.0
D	Tolerable delay: Drivers may wait through more than one red indication. Queues may develop but dissipate rapidly, without excessive delays.	25.1 to 40.0
E	Significant delay: Volumes approaching capacity. Vehicles may wait through several signal cycles and long queues form upstream.	40.1 to 60.0
F	Excessive delay: Represents conditions at capacity, with extremely long delays. Queues may block upstream intersections.	Greater than 60.0

Source: Highway Capacity Manual, TRB Special Report 209, 1994

The level of service standard for local and regional signalized intersections in the City of San Jose is LOS D or better, except for the Golden Triangle area covered by the North San Jose Area Development Policy (refer to discussion in *Section I.C(2) Transportation Impacts, Project Intersection Levels of Service* of this EIR). Based on established City of San Jose traffic methodology, identified intersections in North San Jose are evaluated in conformance with both the North San Jose Area Development Policy (Golden Triangle method) and the North San Jose Deficiency Plan, as described below.

Golden Triangle Method Level of Service Definitions

Intersections within the Golden Triangle formed by US 101, I-880, and SR 237 are evaluated using the North San Jose Area Development Policy (NSJADP). The NSJADP estimates the level of service based on critical volume-to-capacity (V/C) ratios calculated by TRAFFIX. The V/C ratio is correlated to a level of service (see Table 4). An acceptable level of service in the City of San Jose, including the Golden Triangle area, is defined as LOS D or better.

TABLE 4 Intersection Level of Service Definitions Based on Volume-to-Capacity Ratio (Golden Triangle Method)		
Level of Service	Definition	V/C Ratio
A	Insignificant delays: No approach phase is fully utilized and no vehicle waits longer than one red indication.	0.00-0.59
B	Minimal delays: An occasional approach phase is fully utilized. Drivers begin to feel restricted.	0.60-0.69
C	Acceptable delay: Major approach phase may become fully utilized. Most drivers feel somewhat restricted.	0.70-0.79
D	Tolerable delay: Drivers may wait through more than one red indication. Queues may develop but dissipate rapidly, without excessive delays.	0.80-0.89
E	Significant delay: Volumes approaching capacity. Vehicles may wait through several signal cycles and long queues form upstream.	0.90-0.99
F	Excessive delay: Represents conditions at capacity, with extremely long delays. Queues may block upstream intersections.	1.00 and greater

Source: City of San Jose Guidelines for Traffic Impact Analysis of Land Developments, June 1994.

North San Jose Deficiency Plan Definitions

Conditions at 22 regional intersections covered by the 1994 Deficiency Plan for North San Jose are evaluated based upon the average PM peak hour delay. The average PM peak hour delay at the 22 intersections must be maintained at 88 seconds or less in order to conform to the adopted North San Jose Deficiency Plan.

Study Intersections and Existing Traffic Volumes

The study included the analysis of 20 signalized intersections in the City of San Jose. The 20 signalized intersections include two Golden Triangle intersections and eight North San Jose Deficiency Plan (NSJDP) (regional) intersections. Golden Triangle study intersections

include Brokaw Road/Zanker Road and Brokaw Road/First Street. North San Jose Deficiency Plan intersections that are also study intersections for the project include: I-880/Brokaw Road (eastbound), I-880/Brokaw Road (westbound), Brokaw Road/First Street, Brokaw Road/Old Oakland Road, Brokaw Road/Zanker Road, Murphy Ave./Lundy Ave., US 101/Brokaw Road and Montague Expressway/Trade Zone Blvd. Figure 8 illustrates the location of these intersections with respect to the proposed project.

Existing peak-hour traffic volumes were obtained from the City of San Jose. The results of the LOS calculations for existing conditions are summarized in Table 5.

Golden Triangle Intersections

Under existing peak-hour conditions, one of the signalized Golden Triangle study intersections, Brokaw Road/Zanker Road, currently operates at LOS E during the PM peak hour. All other signalized study intersections within the Golden Triangle study area currently operate at LOS D or better.

North San Jose Deficiency Plan Intersections

Under existing peak-hour conditions, the following North San Jose Deficiency Plan (NSJDP) study intersections currently operate at LOS F during one or both of the peak hour periods:

- Montague Expressway and Old Oakland Road (AM and PM peak hours)
- Montague Expressway and Trade Zone Blvd. (PM peak hour)
- First Street and Montague Expressway (PM peak hour)
- Montague Expressway and Trimble Rd. (PM peak hour)
- Montague Expressway and O'Toole Avenue (PM peak hour)

All other NSJDP study intersections currently operate at LOS E or better. The average delay for the 22 intersections during the PM peak hour is 47.5 seconds per vehicle (refer to Appendix B; Tables 10 and 11).

Existing Freeway Segment Levels of Service

The level of service for freeway segments is calculated based on vehicle density, taking into account vehicle speed as well as the number of vehicles on a segment. Freeway level of service criteria are shown in Table 6.

Twelve freeway segments in the vicinity were evaluated. Eight of the freeway segments analyzed currently operate at LOS F during at least one of the peak hours. These segments include:

U.S. 101

- McKee Road to Old Oakland Road, northbound (AM)
- Old Oakland Road to I-880, southbound (PM)
- Old Oakland Road to I-880, northbound (AM)

I-680

- Berryessa Road to Hostetter Road, southbound (PM)
- Hostetter Road to Capitol Expressway, southbound (PM)

TABLE 5
Existing Intersection Levels of Service

Intersection	AM Peak Hour			PM Peak Hour		
	LOS*	Ave. Delay [†]	V/C [‡]	LOS	Ave. Delay	V/C
U.S. 101 and Brokaw Rd.*	C	21.7	0.457	C	24.3	0.513
U.S. 101 and Old Oakland Rd. (Northbound)*	D	38.6	1.057	C	17.7	0.822
U.S. 101 and Old Oakland Rd. (Southbound)*	B	14.5	0.613	D	26.6	0.959
I-880 and Brokaw Rd. (Eastbound)*	C	15.4	0.769	B	14.5	0.502
I-880 and Brokaw Rd. (Westbound)*	D	27.7	0.773	C	21.7	0.706
Brokaw Rd. and First Street*	D	35.4	0.833	D	33.7	0.824
Brokaw Rd. and Old Oakland Rd.*	D	39.6	0.936	D	32.9	0.740
Brokaw Rd. and Zanker Rd.*	D	35.2	0.813	E	41.0	0.900
Lundy Ave. and Murphy Ave*.	D	34.0	0.788	D	33.2	0.729
Automation Pkwy. and Hostetter Rd.	C	24.6	0.828	D	27.5	0.802
Brokaw Rd. and Ridder Park Drive	C	20.2	0.878	B	10.2	0.587
Commercial St. and Old Oakland Rd.	D	34.6	0.821	D	37.5	0.781
Flickinger Rd. and Hostetter Rd.	C	18.5	0.725	C	21.5	0.757
Four Oaks Rd. and Hostetter Rd.	B	12.1	0.511	B	12.9	0.626
Murphy Rd. and Oyama Drive	D	33.5	0.985	B	11.1	0.712
Murphy Rd. and Ringwood Ave.	D	29.5	0.861	C	15.5	0.783
Old Oakland Rd. and Schallenberger Rd.	B	8.3	0.293	B	7.1	0.341
I-680 and Hostetter Rd.	C	17.7	0.624	B	9.9	0.411
Montague Expwy. and Old Oakland Rd.*	F	118.0	1.233	F	60.1	1.027
Montague Expwy. and Trade Zone Blvd.*	D	33.8	0.876	F	77.8	0.606

Notes:

*Denotes CMP intersection.

[†]LOS = Level of Service based on average delay.

[‡]V/C = Critical volume to capacity ratio

⁴Ave. Delay = Average delay per vehicle, in seconds per vehicle

TABLE 6 Freeway Level of Service (Based on Density)	
Level of Service	Density (vehicles/mile/lane/hour)
A	≤10.0
B	10.1-16.0
C	16.1-24.0
D	24.1-46.0
E	46.1-55.0
F	≥55.0

I-880

- US 101 to Brokaw Road, southbound (PM)
- US 101 to Brokaw Road, northbound (AM and PM)
- Brokaw Road to Montague Expressway, southbound (PM)

High occupancy vehicle (HOV) lanes, with the exception of one segment, generally operate at LOS E or better on the freeway segments studied. The results of the existing freeway segment level of service analysis are included in Appendix B and discussed further in *Section II. C.(2), Transportation Impacts*.

Background Conditions

The following discussion describes background conditions in the project area. Background conditions are defined as conditions just prior to completion of the proposed development. Traffic volumes for background conditions comprise volumes from existing traffic counts plus traffic anticipated from approved developments in the vicinity of the site. The added traffic from approved, but not yet constructed, developments were provided by the City of San Jose's Approved Trip Inventory (ATI).

Planned Intersection Improvements

The intersection improvements described below are either part of local Capital Improvement Programs (CIP) or were required as a condition of future development to be funded by a developer.

Commercial Street and Old Oakland Road. The improvement at this intersection consists of the replacement of an eastbound through lane and right turn lane with one through-right turn lane.

Old Oakland Road and Schallenberger Road. The number of northbound and southbound through lanes will be reduced from two lanes to one lane and the eastbound approach lanes will be redesignated from a through-left lane and a right turn lane to a left turn lane and a through-right lane.

I-680 and Hostetter Road. The improvement at this intersection consists of the redesignation of the northbound through-left turn lane as a through-right turn lane.

Montague Expressway and Old Oakland Road. The improvement at this intersection consists of the addition of a third westbound through lane.

Background Intersection Levels of Service

Background intersection levels of service were evaluated for the City of San Jose using three different methodologies: the City of San Jose methodology, the North San Jose Deficiency Plan (NSJDP) methodology and the Golden Triangle methodology. The results of the level of service analysis under background conditions is shown in Table 7.

Under background conditions, four the study intersections operate at LOS E or worse during one or both of the peak hours.

Golden Triangle Intersections

With buildout of already approved projects, both of the Golden Triangle study intersections (i.e., Brokaw/First and Brokaw/Zanker) are projected to operate at LOS E during the AM and PM peak hours, an increase of one intersection in both peak hours and one intersection in the AM peak hour from existing conditions.

North San Jose Deficiency Plan Intersections

Under background conditions, eight of the 22 NSJDP intersections are projected to operate at LOS F during at least one of the peak hours, an increase of three intersections from existing conditions.

Background Freeway Segment Levels of Service

An analysis of freeway segment level of service is not required for background conditions, per CMP and City of San Jose requirements.

TABLE 7
Background Intersection Levels of Service

Intersection	AM Peak Hour			PM Peak Hour		
	LOS ¹	Ave. Delay ²	V/C ³	LOS	Ave. Delay	V/C
U.S. 101 and Brokaw Road*	D	25.1	0.581	C	25.2	0.560
U.S. 101 and Old Oakland Rd. (Northbound)*	E	42.1	1.073	C	18.0	0.836
U.S. 101 and Old Oakland Rd. (Southbound)*	B	14.5	0.617	D	27.4	0.967
I-880 and Brokaw Rd. (Eastbound)*	B	14.4	0.819	B	13.4	0.411
I-880 and Brokaw Rd. (Westbound)*	D	35.9	0.965	C	22.7	0.800
Brokaw Rd. and First Street*	F	64.2	1.104	F	119.1	1.151
Brokaw Rd. and Old Oakland Rd.*	D	38.1	0.975	D	32.9	0.750
Brokaw Rd. and Zanker Rd.*	E	44.6	0.882	E	49.3	0.947
Lundy Ave. and Murphy Ave.*	D	34.4	0.803	D	33.3	0.739
Automation Pkwy. and Hostetter Rd.	D	25.1	0.839	D	27.6	0.812
Brokaw Rd. and Ridder Park Drive	C	22.8	0.902	B	14.3	0.648
Commercial St. and Old Oakland Rd.	D	37.4	0.887	F	64.8	1.022
Flickinger Rd. and Hostetter Rd.	C	18.7	0.736	C	21.7	0.766
Four Oaks Rd. and Hostetter Rd.	B	12.0	0.512	B	12.9	0.627
Murphy Rd. and Oyama Drive	D	36.9	0.999	B	11.1	0.725
Murphy Rd. and Ringwood Ave.	D	29.8	0.874	C	15.6	0.796
Old Oakland Rd. and Schallenberger Rd.	B	13.1	0.666	B	16.4	0.799
I-680 and Hostetter Rd.	D	35.2	0.969	B	9.9	0.412
Montague Expwy. and Old Oakland Rd.*	F	62.5	1.034	E	50.4	0.721
Montague Expwy. and Trade Zone Blvd.*	D	33.6	0.871	F	77.7	0.604

Notes:

* CMP Intersection

¹LOS = Level of Service based on average delay.

²V/C = Critical volume to capacity ratio

⁴Ave. Delay = Average delay per vehicle, in seconds per vehicle

2. Transportation Impacts

Thresholds of Significance

For the purposes of this project, a traffic impact is considered significant if the project would:

- cause a *local* City of San Jose intersection to deteriorate below LOS D, or if the intersection is already operating at LOS E or F, cause an increase in the average stopped delay for the critical movements by four seconds or more *and* the critical V/C value to increase by 0.01 or more;
- cause a regional intersection to deteriorate from an LOS E or better to LOS F or cause critical movement delay at such an intersection already operating at LOS F to increase by four seconds or more *and* the critical V/C value to increase by 0.01 or more;
- cause the 22 regional intersections within the boundary of the North San Jose Deficiency Plan to operate with an average PM peak hour intersection delay greater than 88 seconds; or;
- cause a freeway segment to operate at LOS F, contribute traffic in excess of 1% of segment capacity to a freeway segment already operating at LOS F; or
- impede the development or function of planned pedestrian or bicycle facilities; or
- substantially impede the operation of a transit system as a result of congestion; or
- create an operational safety hazard.

Project Traffic Estimates

The impacts of the proposed Creekside Plaza development are discussed in this section. First, the method used to estimate the amount of traffic added to the roadway system by the project is described. Then individual intersections were analyzed under project conditions. Project conditions are defined as the background conditions plus additional traffic generated by the proposed development.

Traffic impacts from a development are estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In the first step, the amount of traffic entering and exiting the site is estimated on both a daily and a peak-hour basis. In the second step, the directions the trips use to approach and depart the site are estimated. The trips are assigned to specific streets and intersections in the third step. The use of this process for this analysis is described in the following sections.

Trip Generation

Table 8 summarizes the vehicle trip generation for the proposed project. The trip generation rates were based on the City of San Jose trip generation guidelines. The proposed project consists of 265,000 square feet of office/R&D uses.

It is estimated that the proposed project would generate 336 trips during the AM peak hour and 297 trips during the PM peak hour. In the AM peak hour, there would be 270 inbound and 66 outbound trips; in the PM peak hour, there would be 29 inbound and 268 outbound vehicle trips.

TABLE 8 Trip Generation											
Land Use	Size	AM Peak Hour					PM Peak Hour				
		Rate In	Rate Out	In	Out	Total	Rate In	Rate Out	In	Out	Total
R&D	265,000 sq. feet	1.02	0.25	270	66	336	0.11	1.01	29	268	297

Trip Distribution

A majority of the trips associated with the proposed office/R&D uses are home-based work trips. Traffic distribution for the proposed development is primarily related to employees traveling to and from their residences. The trip distribution for the project is based on information provided by the City of San Jose. The percentage of trips distributed along the area roadway network is contained in Appendix B.

Trip Assignment

Trip assignment involves determining which specific roadways a vehicle would use to travel between its origin and destination. As described in greater detail in Appendix B, the peak-hour trips generated by the proposed development were assigned to the roadway system based on the trip distribution pattern discussed above.

Project Intersection Levels of Service

The peak-hour trip assignments for the proposed development were added to the background traffic volumes to obtain traffic volumes for project conditions. Project conditions, like background conditions, include the intersection improvements described previously. The results of the LOS calculations are shown in Table 9.

As noted in Table 9, two intersections in the AM peak period would be significantly impacted by the project under the City of San Jose's level of service criteria. The two intersections are: U.S. 101 (northbound)/Old Oakland Road and Murphy Avenue/Oyama Drive.

- **The project would result in significant impacts to two signalized intersections. (Significant Impact)**

As described previously, the project site is within the boundary of the Golden Triangle and would put traffic through intersections subject to the North San Jose Area Development Policy. In addition, traffic from the project would affect regional intersections which are subject to the North San Jose Deficiency Plan (NSJDP). The impacts of project traffic on *Golden Triangle* and *North San Jose Deficiency Plan Intersections* are described below.

Golden Triangle Intersections

Two of the signalized Golden Triangle study intersections (Brokaw/First and Brokaw/Zanker) are projected to operate at LOS E under background and project conditions. According to the North San Jose Development Policy, a project is defined as causing a

TABLE 9
Project Intersection Levels of Service

Intersection	Peak Hour	Background		Project			
		LOS	Ave. Delay	LOS	Ave. Delay	Critical V/C Change	Critical Delay Change
U.S. 101 and Brokaw Road*	AM PM	D D	25.1 25.2	D D	25.2 25.2	0.010 0.003	0.1 0.1
U.S. 101 and Old Oakland Rd. (Northbound)*	AM PM	E C	42.1 18.0	E C	46.8 18.2	0.021 0.015	8.8 0.6
U.S. 101 and Old Oakland Rd. (Southbound)*	AM PM	B D	14.5 27.4	B D	14.6 28.5	0.006 0.12	0.1 2.2
I-880 and Brokaw Rd. (Eastbound)*	AM PM	B B	14.4 13.4	C B	15.6 13.3	0.029 0.000	1.9 1.0
I-880 and Brokaw Rd. (Westbound)*	AM PM	D C	35.9 22.7	D C	36.1 23.5	0.001 0.018	0.2 1.3
Brokaw Rd. and First Street*	AM PM	F F	64.2 78.0	F F	64.5 80.5	0.000 0.008	0.0 3.5
Brokaw Rd. and Old Oakland Rd.*†	AM PM	D D	38.1 32.9	E D	42.0 33	0.029 0.019	6.2 0.1
Brokaw Rd. and Zanker Rd.*	AM PM	E E	44.6 49.3	E E	44.5 49.4	0.882 0.948	0.0 0.1
Lundy Ave. and Murphy Ave*.	AM PM	D D	34.4 33.3	D D	34.1 33.4	0.022 0.017	0.8 -1.1
Automation Pkwy. and Hostetter Rd.	AM PM	D D	25.1 27.6	D D	26.1 27.8	0.018 0.017	1.4 0.4
Brokaw Rd. and Ridder Park Drive	AM PM	C B	22.8 14.3	D C	26.9 15.8	0.016 0.012	2.3 0.5
Commercial St. and Old Oakland Rd.	AM PM	D F	37.4 64.8	D F	38.0 65.9	0.013 0.009	0.8 2.7
Flickinger Rd. and Hostetter Rd.	AM PM	C C	18.7 21.7	C C	19.1 21.9	0.018 0.014	0.5 0.2
Four Oaks Rd. and Hostetter Rd.	AM PM	B B	12.0 12.9	B B	12.0 13.0	0.015 0.014	-0.1 0.1
Murphy Rd. and Oyama Drive	AM PM	D B	36.9 11.1	E B	42.6 11.1	0.019 0.019	7.0 0.1
Murphy Rd. and Ringwood Ave.	AM PM	D C	29.8 15.6	D C	30.3 15.9	0.020 0.020	0.8 0.3
Old Oakland Rd. and Schallenberger Rd.	AM PM	B C	13.1 16.4	B C	14.0 19.2	0.007 0.028	0.5 3.5
I-680 and Hostetter Rd.	AM PM	D B	35.2 9.9	D B	38.9 9.9	0.026 0.001	4.7 0.0
Montague Expwy. and Old Oakland Rd.*	AM PM	F E	62.5 50.4	F E	62.6 50.7	0.000 0.001	0.0 0.5
Montague Expwy and Trade Zone Blvd.*	AM PM	D F	33.6 77.7	D F	33.7 77.6	0.003 0.000	0.2 -0.1

Bold indicates a significant impact.

*Denotes CMP intersection.

†The intersection of Montague Expressway and Old Oakland Road is one of the 22 North San Jose Deficiency Plan intersections. The significance of project impacts for these intersections is assessed based on the analysis presented in Table 10.

significant impact if the *weighted average level of service* at impacted intersections is LOS E or F. The weighted average LOS is calculated for all intersections to which the project adds greater than one percent to the critical volume. The proposed project is not estimated to add greater than one percent to the critical volume of any of the study intersections within the Golden Triangle, west of I-880, the area to which this methodology applies (refer to Appendix B). Therefore, the project would not result in significant impacts on the Golden Triangle intersections.

- **The project would not result in significant impacts on the Golden Triangle intersections. (Less Than Significant Impact)**

North San Jose Deficiency Plan Intersections

Seven of the NSJDP intersections are projected to operate at LOS F during the PM peak hour under project conditions. This is the same as under background conditions.

The goal of the NSJDP was to allow new development in North San Jose while maintaining a system-wide LOS standard in the area. One of the policies of the NSJDP requires the average delay for the 22 CMP intersections to be maintained at 88 seconds or less, when calculated using the TRAFFIX methodology. The average delay is estimated to be 53.1 seconds under project conditions (refer to Table 10). Therefore, the project will not have a significant impact on the regional intersections in North San Jose.

- **The project will not result in an average delay of greater than 88 seconds for the 22 CMP intersections identified in the North San Jose Deficiency Plan. (Less Than Significant Impact)**

Freeway Segment Levels of Service

Project traffic volumes on 12 freeway segments in the vicinity of the site were estimated by adding traffic generated by the project to the existing freeway volumes (refer to Table 11). While the project would not degrade the level of service on any segment from acceptable to unacceptable, the project increased the flow volume by more than one percent of the segment capacity along I-880, between US 101 and Brokaw Road (northbound AM and southbound PM).

- **The project would contribute traffic in excess of one percent of segment capacity to a freeway segment already operating at LOS F. (Significant Impact)**

Transit Service Impacts

With one to two percent of employees using public transit, the proposed project would generate three to six peak-hour transit trips each weekday. The evaluation of project effects on transit service concluded that the transit trips generated by the proposed project would not significantly impact public transit service.

- **The project would not result in significantly increased demand for transit service in the project area (Less Than Significant Impact)**

TABLE 10
North San Jose Deficiency Plan
Intersection Levels of Service (PM Peak Hour)

Intersection	Background		Project	
	LOS	Average Delay	LOS	Average Delay
US 101 and Brokaw Road	D	25.2	D	25.2
SR 237 and First Street (N)	F	68.0	F	68.0
SR 237 and First Street (S)	F	93.8	F	93.8
SR 237 and Zanker Rd. (N)	B	9.0	B	9.0
SR 237 and Zanker Rd. (S)	B	8.7	B	8.7
I-880 and Brokaw Rd. (E)	C	13.4	B	13.0
I-880 and Brokaw Rd. (W)	C	22.7	C	23.5
I-880 and First Street (N)	B	9.4	B	9.4
I-880 and First Street (S)	B	13.7	B	13.7
Brokaw Rd. and First Street	F	78.0	F	80.5
Brokaw Rd. and Old Oakland Rd.	D	32.9	D	33.0
Brokaw Rd. and Zanker Rd.	E	49.3	E	49.4
De La Cruz Blvd. and Trimble Rd.	D	38.0	D	38.0
First Street and Trimble Rd.	E	49.3	E	49.3
Lundy Ave. and Murphy Ave.	D	33.3	D	33.4
Trimble Rd. and Zanker Rd.	E	52.5	E	52.5
Montague Expwy. and Old Oakland Rd.	E	50.4	E	50.7
Montague Expwy and Trade Zone Blvd.	F	77.7	E	77.6
First Street and Montague Expwy.	F	148.7	F	148.7
Montague Expwy. and Trimble Rd.	F	74.7	F	74.7
Montague Expwy. and O'Toole Ave.	F	122.9	F	122.9
Montague Expwy. and Zanker Rd.	F	92.3	F	92.3
Average	(E)	52.9	(E)	53.1

Notes: Average delay is listed as whole intersection average stopped delay in seconds. Delay is limited to 1.5 times the cycle length.

TABLE 11
Freeway Level of Service
Project Conditions

Segment	Direction	Peak Hour	Existing LOS	Project			
				Project Trips	Density	LOS	% Impact
US 101							
McKee to Old Oakland	SB	AM	C	8	19.9	C	--
McKee to Old Oakland	SB	PM	E	25	52.0	E	--
McKee to Old Oakland	NB	AM	F	22	104.5	F	0.32
McKee to Old Oakland	NB	PM	B	3	14.4	B	--
McKee to Old Oakland	SB HOV	AM	A	--	--	--	--
McKee to Old Oakland	SB HOV	PM	D	7	24.8	D	--
McKee to Old Oakland	NB HOV	AM	D	10	43.8	D	--
McKee to Old Oakland	NB HOV	PM	A	--	--	--	--
Old Oakland to I-880	SB	AM	B	--	--	--	--
Old Oakland to I-880	SB	PM	F	--	--	--	--
Old Oakland to I-880	NB	AM	F	--	--	--	--
Old Oakland to I-880	NB	PM	C	--	--	--	--
Old Oakland to I-880	SB HOV	AM	A	--	--	--	--
Old Oakland to I-880	SB HOV	PM	D	--	--	--	--
Old Oakland to I-880	NB HOV	AM	D	--	--	--	--
Old Oakland to I-880	NB HOV	PM	A	--	--	--	--
I-680							
Berryessa to Hostetter	SB	AM	C	6	22.7	C	--
Berryessa to Hostetter	SB	PM	F	27	107.9	F	0.29
Berryessa to Hostetter	NB	AM	D	27	32.0	D	--
Berryessa to Hostetter	NB	PM	C	3	21.8	C	--
Hostetter to Capitol	SB	AM	B	33	16.2	C	--
Hostetter to Capitol	SB	PM	F	3	78.9	F	0.03
Hostetter to Capitol	NB	AM	B	8	15.4	B	--
Hostetter to Capitol	NB	PM	C	32	16.8	C	--
I-880							
US 101 to Brokaw	SB	AM	D	12	31.5	D	--
US 101 to Brokaw	SB	PM	F	48	117.9	F	1.09
US 101 to Brokaw	NB	AM	F	49	57.6	F	1.11
US 101 to Brokaw	NB	PM	F	5	101.8	F	0.11
Brokaw to Montague	SB	AM	D	32	36.9	D	--
Brokaw to Montague	SB	PM	F	3	205.2	F	0.07
Brokaw to Montague	NB	AM	D	8	27.1	D	--
Brokaw to Montague	NB	PM	D	32	45.9	D	--

Note: **Bold** indicates significant impact

Impacts to Bicycle and Pedestrian Facilities

The project includes installation of sidewalks along the north side of Ridder Park Drive. The project would not directly impact existing or planned bicycle facilities.

- **The project would not significantly impact existing or planned bicycle or pedestrian facilities.**

Construction Traffic Impacts

Construction of the project would take place over a minimum of approximately 12 months. There would be some localized congestion due to truck traffic associated with construction, but deliveries would generally occur during off-peak hours. The location and size of this site would minimize the need for staging, parking, vehicle queues, or other construction activities to occur in the public street.

- **Construction traffic impacts would be temporary and are not anticipated to substantially disrupt peak hour traffic. (Less Than Significant Impact)**

3. Mitigation Measures

In this section, the mitigation measures that would reduce the transportation impacts of the proposed project are discussed. Where the proposed development is projected to have a significant impact, potential intersection improvements are evaluated to determine if physical improvements can mitigate the impact.

Mitigation Measures Proposed by the Project

US 101 Northbound Ramps at Old Oakland Road

The US 101 Northbound ramp/Old Oakland Road intersection is under the jurisdiction of Caltrans. The project proposes to add a second westbound right turn lane. Addition of this lane would require the removal of landscaping between the US 101 northbound off-ramp and Mabury Road, removal of a portion of the sidewalk on the east side of Old Oakland Road to create room for the new lane and move the associated signal pole, placement of new pavement and restriping of the intersection. This mitigation measure is physically feasible.

With the addition of a second westbound right turn lane, the intersection would operate at LOS D, with a critical average delay of 38.3 seconds and a critical V/C ratio of 0.949 during the AM peak hour. After mitigation, the project's impact would be reduced to a less-than-significant level.

Because this is a Caltrans controlled intersection, this mitigation would have to be approved by Caltrans prior to implementation. The City of San Jose has begun the consultation process with Caltrans regarding the proposed improvements to the intersection. Because of the inability of the City of San Jose to control the implementation of this mitigation measure, the impact is considered to be significant and unavoidable. **(Significant Unavoidable Impact with Proposed Mitigation)**

Murphy Road and Oyama Drive

The project proposes to move the double-yellow striping to the west to reduce the southbound departure lane to twelve feet in width and add striping to the northbound approach lane to designate a left turn only lane and a shared through-right turn lane. With this mitigation, the intersection would operate at LOS D, with an average delay of 39.7 seconds during the AM peak hour. After mitigation, the project's impact would be reduced to a less-than-significant level. **(Less Than Significant Impact with Mitigation Proposed)**

On-Site Improvements

Mitigation for congestion on regional transportation facilities, including freeways and surface streets, will ultimately require a regional solution. The County Congestion Management Agency is preparing a countywide program for alleviating congestion on regional facilities.

As stated on page 44 of the CMP Transportation Impact Analysis Guidelines, pending adoption of the Countywide Deficiency Plan, Lead Agencies do not need to prepare local deficiency plans. However, if a project causes a transportation impact on a CMP facility that cannot be reduced to a less than significant level, the Lead Agency must implement, or require the project's sponsor to implement, the "Immediate Actions" as part of the project's approval.

The project proposes to include site design features identified as priorities in the Santa Clara County Congestion Management Plan (CMP) including:

- Design elements such as bicycle parking near employee entrances.
- Showers will be provided for use by employees that commute by bicycle.
- A High Occupancy Vehicle (HOV) Parking Preference Program.

Mitigation Measures Not Included in the Project

Freeway Segments

The project is estimated to have a significant impact on the I-880, US 101 to Brokaw Road freeway segment northbound in the AM peak hour and southbound in the PM peak hour.

The mitigation necessary to reduce significant impacts upon this freeway segment is the widening of the freeway. However, due to the extensive cost of such widening, this mitigation could not reasonably be implemented by a single development, and therefore, is considered infeasible. For this reason this impact is considered significant and unavoidable. **(Significant Unavoidable Impact)**

Conclusion: The project includes mitigation measures that would reduce impacts to the Murphy Road/Oyama Drive intersection to a less than significant level. The project would result in significant unavoidable impacts upon one signalized intersection and one freeway segment **(Significant Unavoidable Impacts)**

D. AIR QUALITY

The following discussion is based upon an air quality analysis conducted by Donald Ballanti, Certified Consulting Meteorologist. A copy of the air quality analysis is presented in Appendix C of this EIR.

1. Existing Setting

Air Pollution Climatology

The amount of a given pollutant in the atmosphere is determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain and, for photochemical pollutants, sunshine.

Northwest winds and northerly winds are most common in the project area, reflecting the orientation of the Bay and the San Francisco Peninsula. Winds from these directions carry pollutants released by autos and factories from upwind areas of the Peninsula toward San Jose, particularly during the summer months. Winds are lightest on the average in fall and winter. Every year in fall and winter there are periods of several days when winds are very light and local pollutants can build up.

Pollutants can be diluted by mixing in the atmosphere both vertically and horizontally. Vertical mixing and dilution of pollutants are often suppressed by inversion conditions, when a warm layer of air traps cooler air close to the surface. During the summer, inversions are generally elevated above ground level, but are present over 90 percent of the time in both the morning and afternoon. In winter, surface-based inversions dominate in the morning hours, but frequently dissipate by afternoon.

Topography can restrict horizontal dilution and mixing of pollutants by creating a barrier to air movement. The South Bay has significant terrain features that affect air quality. The Santa Cruz Mountains and Hayward Hills on either side of the South Bay restrict horizontal dilution, and this alignment of the terrain also channels winds from the north to south, carrying pollution from the northern Peninsula toward San Jose.

The combined effects of moderate ventilation, frequent inversions that restrict vertical dilution and terrain that restrict horizontal dilution give San Jose a relatively high atmospheric potential for pollution compared to other parts of the San Francisco Bay Air Basin and provide a high potential for transport of pollutants to the east and south.

Ambient Air Quality Standards

Both the U. S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for common pollutants. These ambient air quality standards are levels of contaminants which represent safe levels that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called "criteria" pollutants because the health and other effects of each pollutant are described in criteria documents. Table 12 identifies the major criteria pollutants, characteristics, health effects and typical sources.

TABLE 12
Major Criteria Pollutants

Pollutant	Characteristics	Health Effects	Major Sources
Ozone	A highly reactive photochemical pollutant created by the action of sunshine on ozone precursors (primarily reactive hydrocarbons and oxides of nitrogen. Often called photochemical smog.	<ul style="list-style-type: none"> ● Eye Irritation ● Respiratory function impairment. 	The major sources ozone precursors are combustion sources such as factories and automobiles, and evaporation of solvents and fuels.
Carbon Monoxide	Carbon monoxide is an odorless, colorless gas that is highly toxic. It is formed by the incomplete combustion of fuels.	<ul style="list-style-type: none"> ● Impairment of oxygen transport in the bloodstream. ● Aggravation of cardiovascular disease. ● Fatigue, headache, confusion, dizziness. ● Can be fatal in the case of very high concentrations. 	Automobile exhaust, combustion of fuels, combustion of wood in woodstoves and fireplaces.
Nitrogen Dioxide	Reddish-brown gas that discolors the air, formed during combustion.	<ul style="list-style-type: none"> ● Increased risk of acute and chronic respiratory disease. 	Automobile and diesel truck exhaust, industrial processes, fossil-fueled power plants.
Sulfur Dioxide	Sulfur dioxide is a colorless gas with a pungent, irritating odor.	<ul style="list-style-type: none"> ● Aggravation of chronic obstruction lung disease. ● Increased risk of acute and chronic respiratory disease. 	Diesel vehicle exhaust, oil-powered power plants, industrial processes.
PM ₁₀	Solid and liquid particles of dust, soot, aerosols and other matter which are small enough to remain suspended in the air for a long period of time.	<ul style="list-style-type: none"> ● Aggravation of chronic disease and heart/lung disease symptoms. 	Combustion, automobiles, field burning, factories and unpaved roads. Also a result of photochemical processes.

The federal and California state ambient air quality standards are summarized in Table 13 for important pollutants. The federal and state ambient standards were developed independently with differing purposes and methods, although both processes attempted to avoid health-related effects. As a result, the federal and state standards differ in some cases. In general, the California state standards are more stringent. This is particularly true for ozone and PM₁₀.

The U.S. Environmental Protection Agency in 1997 adopted new national air quality standards for ground-level ozone and for fine Particulate Matter. The existing 1-hour ozone standard of 0.12 PPM will be phased out and replaced by an 8-hour standard of 0.08 PPM. New national standards for fine Particulate Matter (diameter 2.5 microns or less) have also been established for 24-hour and annual averaging periods. The current PM10 standards were retained, but the method and form for determining compliance with the standards were revised.

Implementation of the new ozone and Particulate Matter standards was further complicated by a recent lawsuit. On May 14, 1999 the Court of Appeals for the District of Columbia Circuit issued a decision ruled that the Clean Air Act as applied in setting the new public health standards for ozone and particulate matter, was unconstitutional as an improper delegation of legislative authority to the Environmental Protection Agency. The decision has been appealed, but the legal status of the new standards will probably remain uncertain for some time.

Ambient Air Quality

The Bay Area Air Quality Management District (BAAQMD) monitors air quality at several locations within the San Francisco Bay Air Basin. The monitoring site closest to the project site is in downtown San Jose. Table 14 summarizes exceedances of State and Federal standards at the downtown San Jose monitoring site during the period 1996-1998. Table 14 shows that ozone and PM10 exceed the state standards in the project area. Violations of the carbon monoxide standards had been recorded at the downtown San Jose site prior to 1992.

Of the three pollutants known to at times exceed the state and federal standards in the project area, two are regional pollutants. Both ozone and PM₁₀ are considered regional pollutants in that concentrations are not determined by proximity to individual sources, but show a relative uniformity over a region. Thus, the data shown in Table 14 for ozone and PM₁₀ provide a good characterization of levels of these pollutants on the project site.

Carbon monoxide is a local pollutant, i.e., high concentrations are normally only found very near sources. The major source of carbon monoxide, a colorless, odorless, poisonous gas, is automobile traffic. Elevated concentrations, therefore, are usually only found near areas of high traffic volumes.

Attainment Status and Regional Air Quality Plans

The federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate portions of the state where the federal or state ambient air quality standards are not met as "nonattainment areas". Because of the differences between the national and state standards, the designation of nonattainment areas is different under the federal and state legislation.

TABLE 13
Federal and State Ambient Air Quality Standards

Pollutant	Averaging Time	Federal Primary Standard ⁷	State Standard
Ozone	1-Hour 8-Hour	0.12 PPM 0.08 PPM	0.09 PPM —
Carbon Monoxide	8-Hour 1-Hour	9.0 PPM 35.0 PPM	9.0 PPM 20.0 PPM
Nitrogen Dioxide	Annual Average 1-Hour	0.05 PPM —	— 0.25 PPM
Sulfur Dioxide	Annual Average 24-Hour 1-Hour	0.03 PPM 0.14 PPM —	— 0.05 PPM 0.25 PPM
PM ₁₀	Annual Average 24-Hour	50 µg/m ³ 150 µg/m ³	30 µg/m ³ 50 µg/m ³

TABLE 14
Summary of Air Quality Data for Downtown San Jose⁸

Pollutant	Standard	Days Exceeding Standard in:		
		1996	1997	1998
Ozone	Federal 1-Hour	0	0	1
Ozone	State 1-Hour	5	0	4
Carbon Monoxide	State/Federal 8-Hour	0	0	0
PM ₁₀	Federal 24-Hour	0	0	0
PM ₁₀	State 24-Hour	2	3	3

⁷PPM=Parts per million; µg/m³ = micrograms per cubic meter

⁸California Air Resources Board, *California Air Quality Data*, Annual Summaries, 1997-1998 and Bay Area Air Quality Management District, *Air Currents*, July/August 1999.

The Bay Area currently had until recently attained all federal standards. In June of 1998 the U.S. Environmental Protection Agency reclassified the Bay Area from "maintenance area" to nonattainment for ozone based on violations of the federal standards at several locations in the air basin. This reversed the air basin's reclassification to "maintenance area" for ozone in 1995. Reclassification required an update to the region's federal air quality plan.

Recent revisions to the national ambient standards for ozone and Particulate Matter have no immediate effect on federal nonattainment planning. Existing ozone and Particulate Matter designations will remain in effect until U.S. Environmental Protection Agency (EPA) establishes new designations based on data from 1997, 1998 and 1999. No new controls will be required with respect to the new standards until after the year 2002.

Under the California Clean Air Act, Santa Clara County is a nonattainment area for ozone and PM₁₀. The county is either attainment or unclassified for other pollutants. The California Clean Air Act requires local air pollution control districts to prepare air quality attainment plans. These plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods or if not, provide for adoption of "all feasible measures on an expeditious schedule".

Sensitive Receptors

The Bay Area Air Quality Management District defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, child care centers, retirement homes, convalescent homes, hospitals and medical clinics. There are no such sensitive receptors near the project site.

2. Air Quality Impacts

Thresholds of Significance

For the purposes of this project, an air quality impact is considered significant if the project will:

- violate an ambient air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations;⁹ or
- result in substantial emissions or deterioration of ambient air quality; [The significance thresholds recommended by the BAAQMD are considered to represent "substantial" emissions. These thresholds are 80 pounds per day for all regional air quality pollutants except carbon monoxide. The significance threshold for carbon monoxide is 550 pounds per day, although exceedance of this threshold only triggers the need for estimates of carbon monoxide "hot spot" concentrations. A substantial contribution to an existing carbon monoxide exceedance would be defined as greater than 0.1 parts per million, based on the accuracy of the monitoring instruments] or
- create objectionable odors; or

⁹For localized pollutants such as carbon monoxide, an increase in predicted concentrations that would cause a new violation of the most stringent State or Federal standard (20.0 PPM for one-hour, 9.0 PPM for eight-hours) or contribute substantially to an existing violation of the standards.

- alter air movement, moisture, or temperature, or result in any change in climate either locally or regionally.

Local Impacts

On the local scale, the project would change traffic on the local street network, changing carbon monoxide levels along roadways used by project traffic. Carbon monoxide is an odorless, colorless poisonous gas whose primary source in the Bay Area is automobiles. Concentrations of this gas are highest near intersections of major roads.

A screening form of the CALINE-4 computer simulation model was applied to six signalized intersections near the project site. These intersections were selected because they would operate at Level-of-Service D, E or F with the project and would be affected by traffic generated by the project. The model results were used to predict the maximum 1-and 8-hour concentrations, corresponding to the 1- and 8-hour averaging times specified in the state and federal ambient air quality standards for carbon monoxide. The screening model and the assumptions made in its use for this project are described in Appendix C.

Table 15 shows the results of the CALINE-4 analysis for the peak 1-hour and 8-hour traffic periods in parts per million (PPM). The 1-hour values are to be compared to the federal 1-hour standard of 35 PPM and the state standard of 20 PPM. The 8-hour values in Table 15 are to be compared to the state and federal standard of 9 PPM.

Table 15 shows that existing predicted concentrations near the intersections meet the 1-hour and 8-hour standards. Traffic from approved projects and the proposed project would increase concentrations by up to 0.1 PPM. Since project traffic would not cause any new violations of the 8-hour standards for carbon monoxide, nor contribute substantially to an existing or projected violation, project impacts on local carbon monoxide concentrations are considered to be less-than-significant.

TABLE 15 Worst Case Carbon Monoxide Concentrations Near Selected Intersections, in PPM						
Intersection	Existing (2000)		With Background Traffic (2000)		With Background and Project Traffic (2000)	
	1-Hr	8-Hr	1-Hr	8-Hr	1-Hr	8-Hr
US 101 ramps/Old Oakland Road	10.7	7.2	10.7	7.2	10.7	7.2
I-880 ramps/Brokaw Road	11.1	7.5	11.5	7.7	11.5	7.7
Brokaw Rd./First St.	11.2	7.5	12.0	8.1	12.0	8.1
Brokaw Rd./Old Oakland Rd.	11.3	7.6	11.3	7.6	11.4	7.7
Commercial/Old Oakland Rd.	10.7	7.2	10.7	7.2	10.7	7.2
Montague Expwy/Old Oakland Rd.	12.4	8.4	12.4	8.4	12.4	8.4
Most Stringent Standard	20.0	9.0	20.0	9.0	20.0	9.0

- The incremental increase in carbon monoxide concentrations caused by project traffic would not contribute substantially to existing or projected violations of 1-hour or 8-hour standards. (Less Than Significant Impact)

Regional Impacts

Vehicle trips generated by the project would result in air pollutant emissions affecting the entire San Francisco Bay Air Basin. Regional emissions associated with project vehicle use has been calculated using the URBEMIS7G emission model. The methodology used in estimating vehicular emissions is described in Appendix C.

The incremental daily emission increase associated with the project is identified in Table 16 for reactive organic gases and oxides of nitrogen (two precursors of ozone) and PM₁₀.

The Bay Area Air Quality Management District has established a threshold of significance for ozone precursors and PM₁₀ of 80 pounds per day. Proposed project emissions shown in Table 16 would not exceed this criterion for any pollutants, so the proposed project would have a less than significant effect on regional air quality.

TABLE 16 Regional Emissions in Pounds Per Day			
Source	Reactive Organic Gases	Nitrogen Oxides	PM ₁₀
Project Vehicle Travel	48.5	77.8	25.0
BAAQMD Significance Threshold	80.0	80.0	80.0

- Total project emissions of regional pollutants would not exceed BAAQMD thresholds or result in a significant impact on regional air quality. (Less Than Significant Impact)

Construction Impacts

Construction activities such as earthmoving, excavation and grading operations, construction vehicle traffic and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that would affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-waterbase paints, thinners, some insulating materials and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

Construction dust could affect local air quality during implementation of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when and if underlying soils are exposed to the atmosphere.

The effects of construction activities would be increased dustfall and locally elevated levels of PM10 downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties. This impact is considered significant.

- **Air quality impacts resulting from construction, particularly generation of construction dust, could cause significant adverse effects. (Significant Impact)**

3. Mitigation Measures

Construction Impacts

The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction practices to a level that is less-than-significant. The following construction practices required by the City of San Jose meet or exceed the BAAQMD feasible construction dust control measures and will be implemented during all phases of construction on the project site:

- Water all active construction areas hourly during daylight hours.
- Covering of stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water hourly during daylight hours, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep at least four times daily with water sweepers all paved access road, parking areas and staging areas at construction sites.
- Sweep streets daily at least twice during construction with water sweepers and within one hour of visible soil material carried onto adjacent public streets.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

Conclusion: Implementation of the above mitigation measures would reduce the construction related dust impacts of the project to a less than significant level.

E. NOISE

The following discussion is based upon a noise assessment prepared by *Illingworth & Rodkin, Inc.* A copy of this assessment is included in Appendix D of this EIR.

1. Existing Setting

The Noise Element of the City of San Jose General Plan contains noise guidelines for various land uses within the City, and identifies acceptable noise exposure levels for those uses in terms of the Day-Night Level (DNL) 24-hour descriptor. The DNL descriptor is used to define the noise conditions on a site over a 24-hour period, with a penalty for nighttime noise because of increased sensitivity to noise at night.

The General Plan guidelines identify 45 decibels (dBA¹⁰) DNL as an acceptable interior noise level for virtually all land uses, including office and industrial. An exterior noise level as high as 70 to 76 dBA DNL is considered acceptable for industrial uses if design measures to maintain a 45 dBA DNL interior noise level are provided.¹¹

The General Plan guidelines for noise and land use compatibility are expressed in DNL over a 24-hour period, however, sometimes peak noise events may significantly exceed the overall average, causing a nuisance or a disturbance to some land uses. The discussion below therefore also identifies peak noise levels, where relevant.

Existing Noise Conditions

The noise environment in the vicinity of the project site is dominated by traffic along I-880, and to a lesser extent by Brokaw Road and Ridder Park Drive. There are no noise sensitive receptors in the immediate vicinity of the project.

A 24-hour noise measurement and three short-term noise measurements (10-minute duration) were conducted in May 1999 on and adjacent to the project site. The long-term measurement was located along the northbound I-880 right-of-way, approximately 50 feet from the centerline of the freeway, to quantify noise levels generated by vehicular traffic. At this location, the measured DNL during the measurement period was 79 dBA. Typical maximum noise levels ranged from 84 dBA to 89 dBA while minimum noise levels fell to 48 dBA. Hourly average noise levels ranged from 69 dBA to 76 dBA.

Short-term noise measurements were conducted on the project site to quantify noise levels at various distances from Interstate 880 and noise levels generated by other sources, such as local traffic and aircraft. The first short-term noise measurement was located approximately 750 feet east of the centerline of I-880 and approximately 540 feet south of Brokaw Road. At this location, noise levels were predominantly the result of traffic along I-880. Truck traffic along Brokaw Road contributed to the ambient noise level. The average noise level over a ten-minute period (L_{eq}) at this location was 60 dBA. A maximum noise level of 65 dBA was produced by a jet aircraft. The estimated DNL at this location is less than 70 dBA.

¹⁰dBA refers to decibels measured using the A-scale to approximate the hearing range of the human ear.

¹¹In the City's noise guidelines, an exterior noise level above 60 DNL for commercial office uses also requires attenuation to maintain an indoor level of less than or equal to 45 DNL.

The second short-term noise measurement was conducted approximately 75 feet from the centerline of Ridder Park Drive. Noise sources at this location included traffic along Ridder Park Drive, distant traffic along I-880 and Brokaw Road, aircraft, and industrial activity to the southeast. Noise levels generated by traffic on Ridder Park Drive ranged from 60 dBA to 65 dBA while traffic along I-880 produced noise levels of about 58 dBA. A maximum noise level of 71 dBA was generated by a car horn. Jet aircraft generated noise levels ranging from 59 dBA to 66 dBA. The industrial use produced noise levels ranging from 58 dBA to 62 dBA. The average noise level during the short-term measurement period was 60 dBA. The estimated DNL at this location is less than 70 dBA.

The third short-term noise measurement was conducted approximately 140 feet from the centerline of I-880. Automobile and truck traffic generated noise levels ranging from 68 dBA to 73 dBA. A maximum noise level of 79 dBA was generated by a motorcycle. The average noise level during the ten-minute measurement period was 69 dBA. The estimated DNL at this location is 75 dBA.

Aircraft Generated Noise

Noise generated by aircraft associated with San Jose International Airport contributes to the existing noise environment of the project site, but is typically below noise levels generated by I-880 when measured near the roadway. Measurements of maximum noise levels generated by aircraft from I-880 typically ranged from 58 to 66 dBA. The site lies outside of the existing and projected (2010) 60 dBA CNEL noise contour established by the Santa Clara County Airport Land Use Commission.

2. Noise Impacts

Thresholds of Significance

For the purposes of this project, a noise impact is considered significant if the project will:

- result in a substantial change in the ambient noise levels; or
- generate noise that will result in a conflict with established plans and policies; or
- expose people to noise levels in excess of established standards.

Impacts to the Project

As discussed previously, traffic along I-880, and to a lesser extent Brokaw Road and Ridder Park Drive, are the primary noise sources at the site.

The nearest facades of the proposed office buildings would be located at a distance of about 300 feet from the centerline of I-880. Noise generated by vehicular traffic would yield a day-night average noise level of about 70 dBA at the proposed setback. This noise level would exceed the City of San Jose guideline for "satisfactory" exterior noise levels, however the project does not include any noise-sensitive outdoor use areas.

New office building construction typically includes forced air mechanical ventilation, fixed windows, and a building shell that reduces traffic noise audible indoors by about 30 dBA. The interior noise level, even for the upper stories of the proposed buildings exposed to the highest noise levels, would be expected to be about 40 dBA.

- **Project buildings would not experience interior noise levels in excess of the applicable standard of 45 dBA DNL. (Less than Significant Impact)**

Impacts from the Project

The project will cause increases in traffic noise on Interstate 880 and the local roadway network. The project would add approximately 0 to 2 decibels to existing traffic noise levels in the vicinity of the project site. Due to the high volume of traffic on I-880 and on arterial roadways, and the resulting high existing noise levels, the addition of project-generated traffic would not substantially increase noise levels.

- **Project-generated traffic noise would not cause noise levels to significantly increase along any of the roadways serving the site. (Less than Significant Impact)**

Construction Phase Impacts

Construction activities generate considerable noise. The construction of the proposed project would temporarily increase noise levels in the vicinity of the project site. Noise levels during construction would occur in phases, including grading and excavation, foundations, construction of the new buildings, and paving and finishing. Typical hourly average construction noise levels are 75 dBA to 80 dBA measured at a distance of 100 feet from the construction site during busy construction periods. These noise levels drop off at a rate of about 6 dBA per double of distance between the noise source and the receptor. Since there are no noise sensitive receptors in the immediate vicinity of the project site, the project would not result in temporary noise impacts during the construction phase of the project. It is assumed that construction equipment would employ standard noise controls, including noise suppression devices and proper maintenance and muffling of loud equipment.

- **Construction of the proposed project will temporarily increase noise levels, however, there are no noise-sensitive receptors in the immediate vicinity of the project site. (Less Than Significant Impact)**

F. GEOLOGY, SOILS AND SEISMICITY

The following section is based in part on a Foundation Investigation prepared by *Donald E. Banta & Associates, Inc.* A copy of this report is contained in Appendix E.

1. Existing Setting

The project site is located in the Santa Clara Valley, between the foothills of the Mount Hamilton-Diablo Mountain Range to the east and the foothills of the Santa Cruz Mountains to the west. The site lies within the Coast Range Geomorphic Province of central California. The Santa Clara Valley has been filled by alluvial deposits derived from the bordering mountain ranges and deposited on the valley floor by streams flowing from the mountains across the valley to San Francisco Bay. The site is located on a broad, gently sloping portion of the valley floor. The natural surface elevation of the project site ranges from approximately 50 to 55 feet above sea level.

Geologic and Soil Conditions

Exploratory borings encountered two to five feet of loose to stiff sandy clays and clayey sands containing scattered debris. Surface soils were underlain by low density sandy silts and silty sands which extend to depths of five to 16 feet below the ground surface. These low density silty/sandy soils have a low bearing capacity and moderately high compressibility. Surface soils on the site have a low expansion potential with a plasticity index of 12 or less.¹²

Underlying the low density silts, stiff to very stiff silty clays with some medium-dense to dense sands were found. These predominantly clayey soils have a moderate bearing capacity and relatively low compressibility and extend to the maximum depth sampled (37.5 feet).

Topography at the site slopes gradually downward to the north and northeast toward the Coyote Creek channel. The total elevation change across the site is approximately two feet.

Groundwater

The anticipated regional groundwater flow direction is to the north northwest toward San Francisco Bay. Depth to groundwater in the area is typically five to 20 feet below the ground surface.¹³

Seismicity and Faults

The project site is located in a seismically active part of northern California. Earthquakes are generated on strike-slip faults of the San Andreas fault system as the Pacific and North American Plates slide past each other. Earthquakes may also occur on low angle thrust and reverse faults that border the Bay Area.

¹²Donald Banta, Donald E. Banta & Associates, Inc., September 19, 2000.

¹³ATC Associates, Inc., *Phase I Environmental Site Assessment Commercial Property Schallenberger Road and Ridder Park Drive, San Jose, California*, December 10, 1998.

Many faults exist in the southern San Francisco Bay Area and some of them are capable of producing ground motions that can affect the project area. The major active faults in the vicinity of the site are the Hayward, Calaveras and San Andreas faults. For each of these faults, as well as other active or potentially active faults in the region, the distance from the site and estimated maximum moment magnitude event are summarized in Table 17.

TABLE 17 Approximate Distance to Faults and Seismic Source Type			
Fault	Seismic Source Type	Nearest Type A or B Fault	Distance (kilometers)
Hayward (Southeast Extension)	B	X	6.7
Hayward (Total Length)	A	X	11.2
Calaveras	B		11.2
Monte Vista-Shannon	B		15.3
San Andreas (1906)	A		21.8
Definition of Seismic Source Types			
Description	Seismic Source Type	Maximum Moment Magnitude, M	Slip Rate, SR (mm/yr)
Faults that are capable of producing large magnitude events and that have a high rate of seismic activity.	A	$M \geq 7.0$	$SR \geq 5$
All faults other than Types A and C.	B	$M \geq 7.0$ $M \leq 7.0$ $M \geq 6.5$	$SR < 5$ $SR > 2$ $SR < 2$
Faults that are not capable of producing large magnitude earthquakes and that have a relatively low rate of seismic activity.	C	$M < 6.5$	$SR \leq 2$

Note: Both maximum moment magnitude and slip rate conditions must be satisfied concurrently when determining seismic source type.

The 1983 City of San Jose Fault Hazards Map shows a projected, buried trace of the Silver Creek fault approximately 1,000 feet west of the project site. At this location, the fault would be beneath 700 to 800 feet of alluvium. The Silver Creek fault is considered by some investigators to be a low activity fault.

Strong ground shaking can be expected at the site during moderate to severe earthquakes with epicenters in the general region. This condition is common to virtually all development sites in the San Francisco Bay Area.

Seismically Induced Ground Failure

Soil liquefaction results from loss of strength during cyclic loading, such as imposed by earthquakes. Soils most susceptible to liquefaction are clean, loose, saturated, uniformly graded fine-grained sands. Clays are not considered to be susceptible to liquefaction. In addition, the presence of clay and silt particles in a loose sandy soil will increase its resistance to liquefaction. The project vicinity is mapped as being in an area having a high susceptibility for liquefaction.¹⁴

Liquefaction is manifested at the ground surface by the formation of sand boils, ground cracking, lateral spreading and in some cases quicksand-like conditions which result in tilting or sinking of structures into the ground.

Donald E. Banta & Associates (1999) estimated a probable groundwater table at a depth of approximately 16 feet below the ground surface. Soils encountered below 16 feet are clays not considered susceptible to liquefaction.

Liquefaction would be possible in the lower density sandy zones in the unlikely event there was a significant rise in the groundwater table coupled with very strong earthquake shaking.

2. Geology, Soils and Seismicity Impacts

Thresholds of Significance

For the purposes of this project, a geologic or seismic impact is considered significant if the project will:

- be located on a site with geologic features which pose a substantial hazard to property and/or human life (e.g., an active fault, an active landslide); or
- expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques; or
- cause substantial erosion or siltation.

Geology and Soils Impacts

The site will be graded to provide for drainage. Final grading will result in a maximum ground elevation of approximately 53 feet NGVD at the southern most building pad. The building pads are anticipated to be one to two feet above parking areas and about four feet above existing ground elevations. The preliminary earthwork quantities for the site are 15,000 cubic yards of cut and 15,000 cubic yards of fill. It is not anticipated that fill will be imported or exported from the site.

Erosion and Sedimentation

The proposed project site is relatively flat. For this reason, the potential for erosion and siltation occurring during site grading would be low. However, during periods of heavy rainfall, runoff can occur. Standard practices, including implementation of a Storm Water

¹⁴Geomatrix Consultants. 1992. *Evaluation of Liquefaction Potential in San Jose, California*. Final Technical Report, May 1992.

Pollution Prevention Plan and conditions in City of San Jose grading permits, during grading will reduce the potential for erosion or siltation impacts on the site.

- **The proposed project site is generally flat and the potential for erosion and siltation during construction is low. Implementation of standard grading practices would prevent substantial erosion and siltation. (Less Than Significant Impact)**

Compressible Soils and Non-Seismic Settlement

Based on subsurface testing, the primary geotechnical concern in development of the site is the low density and bearing capacity of the native upper silty soils which blanket the site to depths of five to 16 feet.

The project will over-excavate and recompact low density silty soils under structures. Soils will be excavated to a minimum of three to four feet below the bottom of foundation footings and extending out to a distance of at least seven feet beyond the edge of the foundations.

- **The proposed project would be exposed to geology and soil hazards that could be mitigated by the use of standard engineering design. (Less Than Significant Impact)**

Groundwater Impacts

Groundwater was not encountered during sampling in November 1999. However, it is likely that the groundwater elevation at the site is controlled by the water level in nearby Coyote Creek. If groundwater is encountered during construction, the potential for impacts to excavations can be avoided by utilizing standard engineering and construction techniques.

- **The project will not expose persons or property to significant impacts associated with groundwater conditions on the site. (Less Than Significant Impact)**

Seismic Impacts

The site is within the seismically active San Francisco Bay Area and moderate to severe ground shaking is probable during the anticipated life of future development on the project site. Ground shaking could damage buildings, roads, and utilities. In addition, the site includes areas classified as having a high potential for liquefaction, lateral spreading, and differential compaction. Other hazards associated with earthquakes include tsunamis.¹⁵

Soil liquefaction is a condition where saturated granular soils near the ground surface undergo a substantial loss of strength during seismic events. Soils most susceptible to liquefaction are loose, saturated, uniformly graded, fine sands with low cohesion. Hazards associated with potential liquefaction on the site include ground rupture, foundation failure, or ground surface settlements. Based on geotechnical borings and other sampling, portions of the site are underlain by sandy and silty deposits five to 16 feet below the existing ground surface. Liquefaction would be possible in the lower density sandy zones in the unlikely

¹⁵ A tsunami is a destructive ocean wave generated by a submarine earthquake.

event there was a significant rise in the groundwater table coupled with very strong earthquake shaking.

The project proposes to overexcavate and recompact loose soils under buildings. It is the geotechnical consultant's opinion that liquefaction is unlikely to cause major movement of the proposed buildings since compaction of the silts under the buildings would tend to form a "cap" over any underlying liquefiable sandy layers.

Lateral spreading is the horizontal displacement of an open or "free" face, such as along a channel or excavation. It may often be associated with liquefaction. The nearest proposed structure on the site is approximately 200-225 feet from the banks of the creek and developed areas are 100 feet or more from the top of bank of the creek. While localized lateral spreading may occur at closer distances to the creek, the potential for impacts to the planned structures is low.

The presence of low density soils with potential for liquefaction under saturated conditions or settlement under non-seismic conditions could result in impacts to future buildings and infrastructure on the site. The project will be designed and constructed in accordance with a final geotechnical report and the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site. Therefore, the project would not result in significant seismic impacts.

- **Development of the project, as proposed, would not expose structures and occupants to significant seismic impacts (Less Than Significant Impact)**

G. FLOODING, DRAINAGE AND WATER QUALITY

The following flooding discussion is based upon a flood plain evaluation prepared for site by *Schaaf & Wheeler* in June 1999 and information provided by *Kier & Wright, Civil Engineers*. A copy of the flood plain evaluation is included as Appendix F of this EIR.

1. Existing Setting

Hydrology and Flooding

The project site is located within the alluvial plain of the Santa Clara Valley. There are no waterways present within the boundaries of the project site, although Coyote Creek is located adjacent to the eastern boundary of the site.

Coyote Creek is an alluvial stream which drains from the mountains in the Diablo Range south of the project site and flows approximately north towards San Francisco Bay. The major tributaries of Coyote Creek are Fisher Creek, Silver Creek, Upper Penitencia Creek, and Lower Penitencia Creek. The stream channel has been modified for flood control purposes in limited reaches through the urbanized areas of the Santa Clara Valley floor. While the site is protected by a low levee from Coyote Creek, it is subject to shallow flooding from Coyote Creek. The area is mapped by FEMA as "Zone A6" with a 100-year flood elevations ranging from 48.2 feet above mean sea level (msl) at Brokaw Road to 50.5 feet above msl at Ridder Park Drive.

Drainage

Currently the City of San Jose has storm drain lines in Ridder Park Drive adjacent to the project site and along the western boundary of the site. The eastern part of the site is served by 15-inch, 18-inch and 21-inch reinforced concrete pipe (RCP) extending southwest along Ridder Park Drive. This storm drain is connected to a 36-inch RCP storm drain which runs northerly through the site along the western property boundary. This storm drain continues off-site under East Brokaw Road where it discharges to Coyote Creek through a outfall with a flapgate.

Water Quality

The project site lies within the Coyote Creek watershed, which covers an area of about 350 square miles. Various land uses occupy this watershed, with each land use discharging different types of contaminants. Based upon data compiled for the Santa Clara Valley Non-Point Source Control Implementation Program (March 1990), mean annual wet weather loads by municipality and watershed for Coyote Creek indicate that these land uses discharge metals, suspended sediments and organic materials into Coyote Creek.

Under existing conditions, the project site is vacant. Runoff from the site may currently contain sediments.

2. Flooding, Drainage and Water Quality Impacts

Thresholds of Significance

For the purposes of this project, a drainage and water quality impact is considered significant if the project will:

- increase the potential for flooding or flood related property loss or hazard to human life; or
- place within a 100-year flood hazard area structures which would impede or redirect flood flows; or
- significantly increase peak storm water runoff; or
- substantially degrade or deplete groundwater resources; or
- significantly increase storm water pollution discharges to storm water systems; or
- substantially degrade water quality.

Flooding Impacts

As previously described, the site is in a zone of shallow flooding during the 100-year flood event. As required by the City's Flood Hazard Ordinance, structures would be elevated by three feet or more above the anticipated flood level to minimize damage. The proposed finished floor elevations of buildings on the site would be at 54 feet NGVD, more than three feet above the projected 100-year flood level of 48.2 feet at Brokaw Road and 50.5 feet at Ridder Park Drive should overflows from the adjacent Coyote Creek channel occur during a 100-year flood event.

The project will collect storm water runoff on the site and convey it through a new storm drain system to existing storm drain lines and an outfall on Coyote Creek north of Brokaw Road. This would prevent any potential increased local flooding due to the increased impervious area and increased runoff from the site. In addition, the site is not required for flood conveyance (*i.e.*, it would not result in flood blockage) nor would development have a significant effect on upstream or downstream flood conditions.

- **The project will comply with the City's Flood Control Ordinance and will not increase the potential for flood related property loss or hazard to human life. (Less Than Significant Impact)**

Storm Drainage Impacts

The proposed development will increase the impervious surfaces on the site, thereby decreasing the amount of land available for water percolation, and increasing surface runoff. This increase in surface runoff would occur as a result of the construction of pavement and buildings over the existing undeveloped lands.

The proposed project would direct storm water into an internal storm water drainage system that would convey storm water off the site. The southeastern part of the site would drain to catch basins and bioswales which discharge to the storm drain line extending southwest along Ridder Park Drive. This storm drain is connected to a 36-inch RCP storm drain which runs northerly through the site along the western property boundary. This storm drain continues off-site under East Brokaw Road where it discharges to Coyote Creek through a outfall with a flapgate. The northwest portion of the site would also drain to catch basins and

bioswales. Storm water from this section of the site would be conveyed to the storm drain along the western property boundary.

The existing storm drainage lines can accommodate the additional runoff from the project site. The project would not result in significant drainage impacts on the existing drainage system currently serving the site area.

- **The project will install storm drainage infrastructure to accommodate runoff from the developed areas of the site and would not significantly impact the existing drainage system serving the project area. (Less Than Significant Impact)**

Water Quality

Development of the project site would increase the potential for storm water runoff to carry a variety of pollutants into Coyote Creek. Street and parking lot runoff often carries grease, oil, and trace amounts of heavy metals into natural drainages. Runoff from landscaping can carry pesticides, herbicides, and fertilizers. Particulates generated by project traffic and construction that are deposited on paved surfaces and carried by runoff into natural waterways could increase sedimentation impacts to Coyote Creek and San Francisco Bay. Although the exact amounts of these pollutants ultimately discharged into the creek and bay are unknown, over time they could be substantial.

If it were to occur, significant degradation of Coyote Creek and the aquatic habitat it provides would reduce the number and diversity of aquatic invertebrate species. In turn, the number and diversity of terrestrial vertebrates which prey on aquatic organisms could be expected to decline. The degradation of the aquatic habitat found in Coyote Creek could be a significant impact.

- **Development of the project site could increase the amount of contamination in storm water runoff, which could adversely effect the water quality of Coyote Creek. (Significant Impact)**

3. Mitigation Measures

Water Quality Impacts

- The project will comply with the NPDES General Construction Activity Storm Water Permit administered by the Regional Water Quality Control Board. Prior to construction grading for the proposed land uses, the applicant will file a "Notice of Intent" (NOI) to comply with the General Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. The SWPPP will be submitted to the City of San Jose Department of Environmental Services. The following measures would be included in the SWPPP:
 - Preclude non-storm water discharges to the storm water system.
 - Perform monitoring of discharges to the storm water system.

- The developer will submit a copy of the draft SWPPP to the City of San Jose Department of Environmental Services for review and approval prior to construction of the project.
- The project will comply with the City of San Jose Grading Ordinance, including erosion- and dust-control during site preparation and with the City of San Jose Site Development Permit requirement for keeping adjacent streets free of dirt and mud during construction. The following specific measures would be implemented to prevent storm water pollution and to minimize potential sedimentation during construction.
 - restricting grading to the dry season or meet City requirements for grading during the rainy season;
 - use silt fencing to retain sediment on the project site;
 - providing temporary cover of disturbed surfaces to help control erosion during construction;
 - provide temporary cover of all disturbed surfaces to help control erosion during construction.
 - provide permanent cover to stabilize the disturbed surfaces after construction has been completed.
- The project design includes features to minimize nonpoint source pollutants from entering the Coyote Creek channel. Such features will include the installation of vegetated swales and inlet filters and the placement of a temporary plastic fence and hay bales along the edge of the riparian corridor or project boundary nearest the corridor during construction.
- As part of the mitigation for post-construction runoff impacts addressed in the SWPPP, the project will implement regular maintenance activities (*i.e.*, sweeping, cleaning storm water inlets, litter control) at the site to prevent soil, grease, and litter from accumulating on the project site and contaminating surface runoff. Storm water catch basins will be stenciled to discourage illegal dumping.

Conclusion: With implementation of the above mitigation measures, significant impacts upon water quality would be reduced to a less than significant level. (Less Than Significant Impact with Mitigation)

H. HAZARDS AND HAZARDOUS MATERIALS

The following section is based on a Phase I Environmental Site Assessment prepared by *ATC Associates, Inc.* in December 1998. A site inspection was conducted and a regulatory agency database report was obtained and reviewed to determine whether contamination incidents have been reported on the site or within the site vicinity. A copy of this report is on file with the City of San Jose Department of Planning, Building and Code Enforcement.

1. Existing Setting

Potential On-Site Sources of Contamination

The site consists of an approximately 17-acre vacant parcel. Utilities are not currently provided to the site and no evidence of stained soil, stressed vegetation or signs of dumping was observed. The site has not been in agricultural production within the last 20 years.¹⁶ In addition, no evidence of past or present underground storage tanks were observed during the November 1998 site reconnaissance and no underground storage tanks are registered on the site.

Potential Off-Site Contamination Sources

The area surrounding the site supports commercial and industrial uses. Historical research based on aerial photographs and business directories indicate that adjacent developed areas were primarily vacant parcels prior to approximately 1970.

The San Jose Mercury News facility to the east of the site is a generator of hazardous waste associated with printing processes. A documented release of fuel at this site has been remediated.

Regulatory data bases include several fuel spills within one-half mile. None of the sites listed are expected to impact groundwater or soils beneath the project site.

2. Hazardous Materials Impacts

Thresholds of Significance

For the purposes of this project, a hazardous materials impact is considered significant if the project will:

- expose the public to a significant risk associated with the storage, use and/or disposal of hazardous materials or from existing hazardous materials contamination; or
- pose a health or safety hazard to people or animal or plant populations; or
- create a public health hazard.

Potential Sources of On-Site Impacts

There are no identified chemical contaminants of concern for the project site that could result in potential on-site hazardous materials impacts. Furthermore, based upon the conclusions in

¹⁶Dave Lazzarini, Gibson-Speno, telephone communications.

the Phase I Environmental Assessment for the site, none of the adjacent properties pose an environmental hazard to the site.

Use and Storage of Hazardous Materials by the Project

Hazardous materials use by the proposed office/R&D uses would generally be limited to office and cleaning materials, and small quantities of pesticides and herbicides for landscape maintenance.

The closest sensitive receptor are located at multifamily residences on Old Oakland Road and at Orchard School, approximately 0.4 mile east and 0.5 mile northeast of the project site, respectively. Hazardous materials use or storage by the project would not be expected to impact any sensitive receptors.

- **The proposed project would not expose people to significant risks from hazardous materials contamination or from the storage, use and/or disposal of hazardous materials. (Less than Significant Impact).**

I. CULTURAL RESOURCES

A cultural resources assessment was prepared for the project site by *Basin Research Associates*. This study included a review of pertinent literature, maps, and records at the California Archaeological Inventory at Sonoma State University, Rohnert Park. Because the report discusses the location of specific archaeological sites, it is considered administratively confidential and is not included in this EIR. The report is on file with the City of San Jose, Department of Planning, Building and Code Enforcement.

1. Existing Setting

Prehistoric Resources

The project area is located within an area of moderate to high sensitivity for archaeological resources. The general area appears to have been situated in a favorable environment for prehistoric use, with riparian and inland resources easily available and bayshore resources in relatively close proximity.

Numerous small and large size archaeological sites, including major villages, are present within several miles of the project. There are no recorded prehistoric sites located either within or adjacent to the project site, however.

Historic Resources

A historic school site, the 1865-1896 second Orchard School, has been identified as straddling Ridder Park Drive in the southeast corner of the site. The school is no longer extant. No surface indications of prehistoric or historic archaeological cultural materials (including the school) were observed during the field inventory conducted in November 1998. No other historically or architecturally significant sites, structures, landmarks or points of interest have been recorded within or adjacent to the site.

2. Cultural Resources Impacts

Thresholds of Significance

For the purposes of this project, a cultural resources impact is considered significant if the project will:

- cause a substantial adverse change in the significance of a historic resource; or
- cause damage to an important archaeological resource.

Prehistoric and Historic Resources

As noted previously, a historic school site has been identified as straddling Ridder Park Drive in the southeast corner of the site, but is no longer extant. No other prehistoric or historic era archaeological sites or significant architectural properties have been recorded in or adjacent to the project site. There is a low to moderate potential for exposing subsurface cultural materials that could be associated with the location of the former 1865-1896 Second Orchard School.

While it is not anticipated that development of the project site will result in a significant impact to cultural resources, the following measures, as identified below, are included in the project to avoid any potential impacts.

The project includes the following measures for all development activities that include excavation or disturbance of the existing ground surface:

- Construction monitoring by a professional archaeologist in the southeast portion of APN 237-05-50 during any subsurface excavation or construction. The monitoring is recommended due to a low to moderate potential for exposing subsurface materials associated with the location of the former school, present on the site during the mid to late 1800s.
- In the event any significant cultural materials are encountered, all construction within a radius of 50-feet of the find would be halted, the Director of Planning, Building and Code Enforcement would be notified, and the archaeologist will examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials.¹⁷

In the event that human skeletal remains are encountered, the applicant is required by County Ordinance No. B6-18 to immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code and the County Coordinator of Indian Affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of State law and the Health and Safety Code. The Director of Planning, Building and Code Enforcement will also be notified immediately if human skeletal remains are found on the site during development.

- **The project includes monitoring and protection measures to ensure that all subsurface resources are appropriately protected. Implementation of the proposed project would not result in significant impacts to prehistoric or historic subsurface resources. (Less Than Significant Impact)**

¹⁷Significant cultural materials include but are not limited to: aboriginal human remains; chipped stone; ground stone; shell and bone artifacts; concentrations of fire-cracked rock; ash and charcoal; shell; bone; and historic features such as privies or building foundations.

J. VISUAL RESOURCES

1. Existing Setting

The existing visual and aesthetic character of the project site is that of a flat, vacant lot. Woody vegetation is present along Ridder Park Drive and the nearby riparian corridor of Coyote Creek (refer to Photos 1 and 2).

The project site is located within an urban area. The visual landscape is presently a mixture of industrial and office uses. The project site is primarily visible from the three adjacent roadways, Interstate 880, Ridder Park Drive, and to a lesser extent, Brokaw Road.

2. Visual Resources Impacts

Thresholds of Significance

For the purposes of this project, a visual impact is considered significant if the project will:

- substantially alter existing views of scenic vistas or resources; or
- produce substantial light or glare, such that it poses a hazard or nuisance, or interferes with nearby land uses.

The assessment of a project's visual impact is dependent upon an evaluation of the character and design of the proposed development and the degree to which the project is visually compatible with the surrounding community. The primary criteria that are considered in this assessment include: 1) the spacial relationship of the site to neighboring land uses; 2) the mass, scale, and height of the proposed project and its visibility from the surrounding area; 3) the degree to which the project would visually contrast with the surrounding development in design and materials; 4) whether the project is likely to result in visual impacts including glare, shadows, night lighting requirements, or provide elevated views to nearby residences.

The site is in an industrial area and is bordered by developed properties and I-880. A reach of Coyote Creek is located near the northern portion of the site.

The proposed project would change the visual character of the flat, vacant project site by developing structures for urban uses. Interstate 880, an interstate highway, is designated as a Landscaped Throughway in the City of San Jose 2020 General Plan. The project will alter views of natural vistas for drivers along a short segment of Interstate 880, primarily a segment of the riparian corridor of Coyote Creek near Brokaw Road and hillsides to the east. The project proposes to plant native trees and shrubs within a 100 foot setback next to the riparian corridor, install landscaping at the perimeter of the site and around the buildings, and incorporate attractive architectural design features in the building facades facing Interstate 880. The project would not result in a significant negative aesthetic impact since it would visually appear to be part of the existing developed industrial area, is not in a prominent, elevation position, and is only visible from Interstate 880 immediately adjacent to the site.

Security lighting at the edge of parking areas adjacent to the 100-foot riparian setback will be directed downward using fixtures designed to minimize spillover and intrusion into the riparian corridor and setback area. The light source of any exterior nighttime security lighting would not be visible from the riparian corridor.

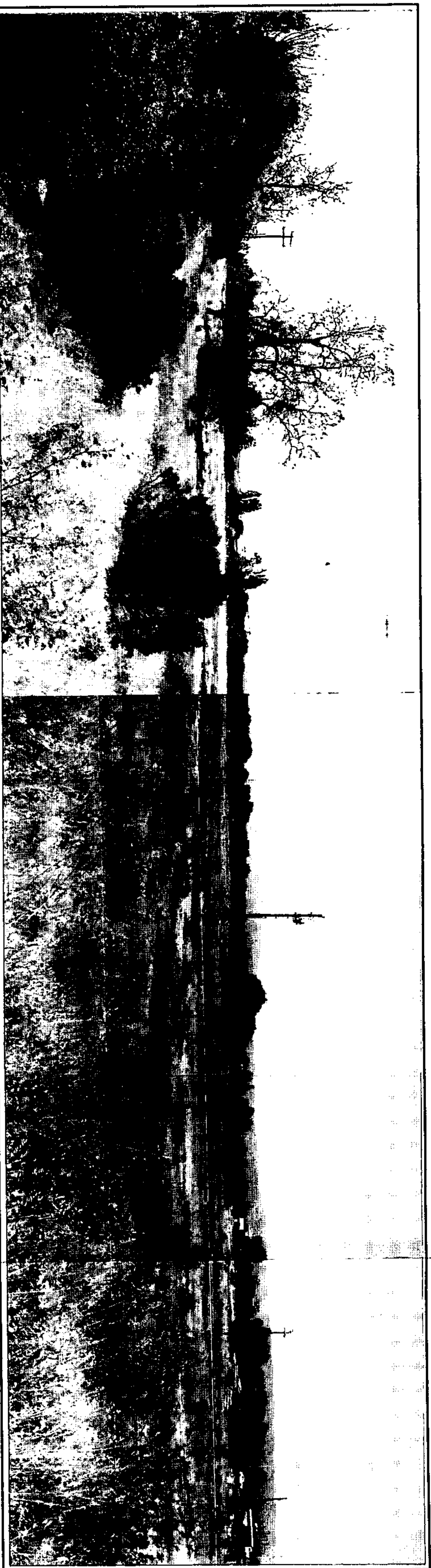


PHOTO 1: View of the project site, looking south from Brokaw Road at the Coyote Creek Bridge. The San Jose Mercury News facility is in the background. The I-880 northbound off-ramp at Brokaw Road is visible on the right and the Coyote Creek riparian corridor is visible on the left.

PHOTO 1

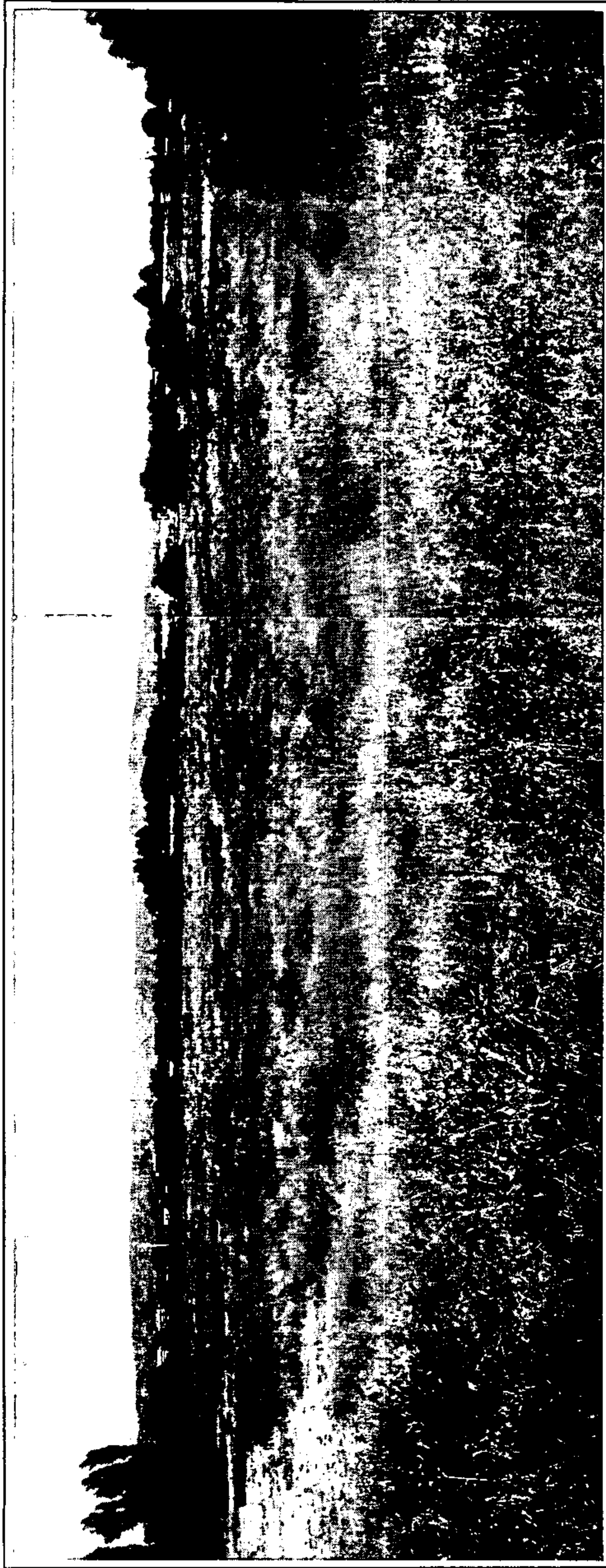


PHOTO 2: View of the project site, looking southwest from Ridder Park Drive at Coyote Creek.

PHOTO 2



PHOTO 3: Looking east from Ridder Park Drive near the Schallenberger Road intersection. APN 237-5-51 is located to the left of Schallenberger Road and includes riparian vegetation along the Coyote Creek corridor.

PHOTO 3

- While the project will alter views from a Landscaped Throughway, site design will result in an appearance of the project consistent with surrounding development. In addition, the project, as proposed, would not produce significant light or glare that would pose a hazard or nuisance to wildlife using the Coyote Creek corridor or motorists on Interstate 880. (Less Than Significant Impact)

K. UTILITIES AND SERVICE SYSTEMS

This section was prepared based upon utility information provided by *Kier & Wright, Civil Engineers*.

1. Existing Setting

The project site is within the City of San Jose Urban Service Area.

Water Service

Potable Water

Water service is provided to the project area by San Jose Water Company. The existing water supply network serving the site vicinity consists of a 17.25-inch water main extending from East Brokaw Road to the vacated portion of Schallenberger Road, in the northern portion of the site. This water main connects to a 12.75-inch water main in Ridder Park Drive. Three fire hydrants are present along the east side of Ridder Park Drive opposite the project site.

Recycled Water

Recycled water lines convey recycled water from the Water Pollution Control Plant (WPCP) to the Rincon area of North San Jose and the City of Santa Clara golf course for landscape irrigation. The recycled, non-potable water is diverted from the WPCP outfall in order to reduce freshwater discharges into San Francisco Bay.

The South Bay Water Recycling transmission pipeline crosses the site.

Sanitary Sewer/Wastewater Treatment

In the project area, a 10-inch vitrified clay pipe (VCP) extends in a northeast direction along Ridder Park Drive and to the northwest along the vacated Schallenberger Road alignment that extends along the northern boundary of the site, west of Ridder Park Drive. The 10-inch VCP is connected to a 21-inch VCP along the westernmost property line and to a 42-inch VCP in East Brokaw Road.

The San Jose/Santa Clara Water Pollution Control Plant (WPCP) provides wastewater treatment for the project area. The WPCP is located approximately four miles to the northwest of the site and provides tertiary treatment of wastewater for several surrounding cities and sanitation districts. The Cities of San Jose and Santa Clara jointly own the facility, but the City of San Jose operates and maintains the WPCP.

During the average dry weather period (May 1 to October 31) the WPCP is permitted to treat up to 167 million gallons of influent flow per day. The average dry weather influent flow (or peak week flow) is determined as the highest average flow during any five-week day period between the months of June through October. For 1999, the peak week flow was 133.5 million gallons per day and occurred between June 7th and June 11th. The WPCP's treatment capacity of 167 million gallons per day is allocated between the several agencies served and the two co-owners through Master Agreements. The total capacity allocated to the City of

San Jose is approximately 106.39 million gallons per day. There is no anticipated expansion of the WPCP or increase in its capacity in the next ten years.

In 1989, the San Francisco Bay Regional Water Quality Control Board (RWQCB) ordered the WPCP to reduce its discharge of metals (copper and nickel) by more than 50% to protect aquatic organisms in south San Francisco Bay and meet state and federal water quality objectives. In addition, the RWQCB imposed a 120 million gallon per day flow trigger and required the WPCP to reduce the quantity of effluent discharged to avoid converting the habitat of two endangered species, the salt marsh harvest mouse and the California clapper rail, from salt marsh to brackish or freshwater marsh.

To address these concerns, the RWQCB incorporated the following elements as a condition of the WPCP's 1998 National Pollutant Discharge Elimination System (NPDES) Permit:

1. Continue implementing the San Jose Action Plan (as revised December 22, 1992 and May 28, 1997) that incorporated the following activities designed to reduce the effluent flow to below 120 million gallons per day: water conservation, reclamation, wetlands mitigation, industrial water recycling, and increase public education.
2. Develop and implement a Contingency Plan to provide ample assurance that the effluent flows of the WPCP are brought, and remain, below 120 million gallons per day. The Contingency Plan adds new measures, in a tiered format, aimed at controlling discharges of concern.

Restrictions necessary to maintain conformance with the NPDES Permit may be placed on dischargers to the WPCP in the future, if necessary.

Under existing conditions, the property does not generate wastewater.

Storm Drainage

The City of San Jose has storm drain lines in Ridder Park Drive adjacent to the project site and along the western boundary of the site. The eastern part of the site is served by 15-inch, 18-inch and 21-inch reinforced concrete pipe (RCP) extending southwest along Ridder Park Drive. This storm drain is connected to a 36-inch RCP storm drain which runs northerly through the site along the western property boundary. This storm drain continues off-site under East Brokaw Road where it discharges to Coyote Creek through a outfall with a flapgate.

Electricity and Natural Gas

PG&E supplies electricity and natural gas to the project area.

Solid Waste Service

Industrial solid waste collection in San Jose is provided by a number of non-exclusive service providers and the waste may be disposed of at any of the four privately owned landfills in San Jose. According to the Source Reduction and Recycling Element of the General Plan prepared for the City of San Jose and the County-wide Integrated Waste Management Plan, there is sufficient landfill capacity for Santa Clara County's projected needs for at least 30 more years. Recycling services are available to most businesses from

private recyclers. The City of San Jose Environmental Services Department also offers information and assistance to businesses wishing to recycle, or to expand their recycling activities.

2. Utilities and Service Systems Impacts

Thresholds of Significance

For the purposes of this project, a utilities impact is considered significant if the project will:

- directly affect a major utility line or facility; or
- require or result in the construction of a new facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; or
- result in a determination by the wastewater treatment provider that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments; or
- need new or expanded entitlements for water supplies.

Water Service

Potable Water

Water service will be provided from one of the two mains on Ridder Park Drive and Schallenberger Road. At buildout, the proposed development would result in a water demand of approximately 37,100 gallons per day.¹⁸

Recycled Water

The project will establish a connection to the existing recycled water line along the northeastern boundary of the site and use recycled water from the South Bay Water Recycling program for landscape irrigation and water features (fountains). Recycled water lines would be physically separated from potable water lines as required by City standards.

Sanitary Sewer

In the project area, a 10-inch sanitary sewer line extends in a northeast direction along Ridder Park Drive and to the northwest along the vacated Schallenberger Road alignment that extends along the northern boundary of the site, west of Ridder Park Drive. Building A will be connected to the sanitary sewer line along Ridder Park Drive and Building B will be connected to sanitary sewer line along the vacated Schallenberger Road alignment. The proposed new sanitary sewer connections would not result in significant environmental effects or require the construction of new public infrastructure.

At buildout, the proposed development would result in an estimated average wastewater flow of approximately 37,100 gallons per day.¹⁹ Although the project will result in new

¹⁸Water use was estimated using San Jose Municipal Water System rates for office uses (0.140 gallons per day/square foot).

¹⁹ The wastewater generation for the site was estimated using a rate of 0.140 gallons per day/square foot for office uses.

wastewater flows to the WPCP, these discharges would be partially offset by the use of recycled water on the site for landscape irrigation. The use of recycled water will result in a reduction in the amount of effluent discharged by the WPCP to the salt marshes in South San Francisco Bay.

Storm Drainage

The proposed project would collect storm runoff from the developed areas of the site and convey flows to the existing storm drainage system which crosses the site. Where feasible, runoff from parking areas will be directed to grassy swales prior to entering the storm drain inlets. The on-site storm water system will be designed to accommodate a 10-year storm per City of San Jose standards.

- **The project will install necessary utilities and will not create significant impacts to existing utility lines or public infrastructure. (Less Than Significant Impact)**

L. ENERGY

This section was prepared pursuant to CEQA Guidelines Section 15126.4(a) and Appendix F (Energy Conservation), which require that EIRs include a discussion of the potential energy impacts of proposed projects with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy.

1. Existing Setting

Currently there is no consumption of energy on the vacant project site. Electricity and natural gas are provided to the area by Pacific Gas and Electric Company.

2. Impacts to Energy Resources

Development of the project site under the proposed land use designation would result in the consumption of energy in three forms: 1) the fuel energy consumed by construction vehicles; 2) bound energy in construction materials such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as milled lumber and glass; and 3) operational use of energy by future businesses for transportation, equipment operation, and cooling of buildings. Construction materials and the operational use of energy are discussed below.

Building Materials and Design Features

With respect to project design and use of construction materials, the project is subject to the provisions of Title 24 of the California Administrative Code, which sets energy efficient design standards for non-residential buildings.

In addition, the project includes the following sustainable building measures from the City of San Jose's Green Building Guidelines to reduce energy use resulting from construction and operation of proposed development:

Buildings:

- *Sustainably managed materials:* Concrete used for site work may contain between 20% and 30% fly-ash, as feasible.
- *Energy efficient glazing:* Glazing will be tinted, semi-reflective at punched opening and recessed lower story and reflective glass elsewhere.
- *Roof materials:* Light colored roofing material (membrane roofing) will be used. These materials are also recyclable.
- *Construction Waste Management:* Debris and construction waste will be sorted and recycled to the extent feasible.
- *Water-efficient plumbing fixtures and energy efficient appliances:* Future tenants of the site will be encouraged to utilize water-efficient plumbing fixtures and energy efficient appliances.

Landscaping:

- *Recycled water:* Use of recycled water for landscaping is proposed for the overall site.

- *Water-efficient landscaping:* Low water-intensive plant materials will be used. In addition, locally native plant species that will require minimal irrigation once established will be used in the riparian setback area.

Transportation

- *Alternative transportation:* The project will provide bike racks and showers for employees and preferential parking for carpools (High Occupancy Vehicles).

Energy Use at Buildout

The project will consume energy for lighting, heating and cooling of the proposed buildings. As previously noted, energy efficient design features and recycled water will be used at the site to reduce the consumption of energy.

The development of the site with the proposed land uses would have an indirect influence on the energy consumed in automobile travel. The amount of vehicular travel to and from the site would increase over the existing condition. The project includes Transportation Demand Measures (such as installation of bike racks and showers for employees) that while reducing automobile travel, would result in an incremental reduction in energy used by employees traveling to the site.

Conclusion: Development of the proposed land uses would contribute incrementally to the use of energy for development and ongoing maintenance and operations, but would not result in inefficient or unnecessary use of energy.



III. AVAILABILITY OF PUBLIC FACILITIES AND SERVICES

Many public services are provided to the community as a whole, usually from a central location or from a defined set of nodes. The resource base for delivery of these services, including the physical service delivery mechanisms, are financed on a community-wide basis, usually from a unified or integrated financial system. The service delivery agency can be a city, county, service, or other special district. Usually new development will create an incremental increase in the demand for these services; the amount of the demand will vary widely, depending on both the nature of the development (residential vs. industrial, for instance) and the type of service, as well as on the specific characteristics of the development (such as senior housing vs. family housing). The impact of a particular project on public services will, therefore, generally be a fiscal impact. By increasing the demand for a service, a project could potentially cause an eventual increase in the cost of providing the service. CEQA does not require an analysis of fiscal impacts.

While not required by CEQA, discussion of fiscal impacts is permitted where the issue may be of concern to the community or decision makers, and where the analysis can contribute to an understanding of the project as a whole. In addition, CEQA does encourage fiscal analysis when financial impacts might result in an impact on the physical environment (such as the construction of a new fire station). The City of San Jose, therefore, includes a discussion of potential impacts on public services in EIRs prepared for land use and development projects.

The public services provided to the area are part of a city-wide system. While individual development may increase the demand for these services, they are provided from a single resource base that is not generally tied to a single area or particular development proposal. Police and fire protection, in particular, are provided by extensions of single systems that are responsible for the entire City.

The availability and adequacy of fire, police, and parks and recreation do not generally constitute constraints to development in the City of San Jose. Existing ordinances provide for the payment of fees and taxes which finance the construction of new capital facilities, and pay for the operation of the sewage treatment plant (WPCP). They are only addressed in this section, in terms of the General Plan benchmarks. The discussion below, therefore, focuses primarily on the role which services will play in the evaluation of new development proposals on the project site.

Public services of concern for the land uses that would be permitted by the proposed site development permit include: police and fire protection and parks and recreation services (trails).

1. Police Protection

Police protection services are provided to the site by the City of San Jose Police Department (SJPd). Officers patrolling the project area are dispatched from police headquarters located at 201 West Mission Street. The SJPd presently consists of 1300 sworn officers and 429 civilian personnel.

The SJPd divides the City into 60 Beats, which are assigned to one of 12 Districts. The proposed project is located in District R, Beat R-2, which is bordered by Berryessa Road to the south and east, Highway 880 to the west, and Trimble Road to the north. Beat R-2 encompasses 3.75 square miles and has a population of 28,983 residents. The most frequently reported crimes in the fourth quarter of 1997 included car clout, malicious mischief, and disturbing the peace.

The City of San Jose standards for responding to police calls for service are six minutes for Priority 1 calls (which include crimes in progress and life-threatening situations), and 11 minutes for Priority 2 calls. The General Plan benchmark is for 60% of Priority 1 calls to be responded to in six minutes or less, and for 60% of Priority 2 call to have a response time of eleven minutes or less.

All new development proposed under the proposed project will be reviewed by the Crime Prevention Unit of the City Police Department for incorporation of environmental design measures to prevent or avoid opportunities for criminal activities.

2. Fire Protection

Fire protection for the project site is provided by the City of San Jose Fire Department. Station No. 5 at N. 10th Street and Old Bayshore Highway would be the "first response unit" to respond to an emergency at the project site. Station No. 5 houses an engine company with four fire fighters and an Urban Search and Rescue (USAR) unit with five personnel. The closest Truck and Battalion Chief are located at Station No. 29. Station No. 23 at 1771 Via Cinco de Mayo would be the "second response unit" to respond to the site in the event of a fire. Station No. 23 has an engine company with four fire fighters. The locations and response times of the three fire stations are provided below:

Response	Station No.	Location	Response Times
First Engine	Station No. 5	1380 N. 10th Street	3.3 minutes
First Truck	Station No. 29	199 Innovation Drive	6.1 minutes
Second Engine	Station No. 23	1771 Via Cinco de Mayo	5.6 minutes

These response times meet the City of San Jose's goals to not exceed four minutes for the first response time and to not exceed six minutes for the second response time. The first truck assigned to the project site will have a travel time of approximately six minutes, which is consistent with the six minute standard.

Development of the property with Office/R&D uses would generate increased demands for fire protection services. Future industrial developments would be built to Fire Code standards, including sprinklers, alarms, and separations between incompatible uses.

3. Parks and Recreation

Regional Trails

The planned route of the Coyote Creek/Llagas Sub-regional Trail, as identified in the Santa Clara County Trails Master Plan, extends in roughly a north-south direction from the Alameda County Line to the Santa Clara County Line south of Gilroy. This hiking and bicycle trail route would roughly follow Coyote Creek.

The project site includes creek frontage along its northern boundary. The City of San Jose Scenic Routes and Trails map (1999) shows a trails and pathways corridor on the north side of Coyote Creek rather than adjacent to the project site. The proposed project, which includes a 100 foot development setback from the riparian corridor, would not preclude

development of the Coyote Creek/Llagas Sub-regional Trail in the event routing of the trail was proposed on the southern side of the creek.

Conclusion: Although the proposed project will increase the demand for fire and police services, it is not anticipated it will create the need for any new facilities. As noted previously, development of the project site as proposed would not preclude development of the Coyote Creek/Llagas Sub-regional Trail.



IV. CUMULATIVE IMPACTS

Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, are considerable or which compound or increase other environmental impacts.

Cumulative impacts may result from individually minor, but collectively significant projects taking place over a period of time. The CEQA Guidelines (§15130) state that an EIR should discuss cumulative impacts "when the project's incremental effect is cumulatively considerable". The discussion does not need to be in as great detail as is necessary for project impacts, but is to be "guided by the standards of practicality and reasonableness". The purpose of the cumulative analysis is to allow decision makers to better understand the potential impacts which might result from approval of past, present and reasonably foreseeable future projects, in conjunction with the proposed project.

In order to meet the intent of the cumulative analysis requirement, the following discussion reflects the information available from the City of San Jose as of the date of circulation of this EIR. For example, traffic analyses prepared for pending development that had been submitted to the City and that would potentially impact the same area as the project addressed in the EIR are included in this cumulative analysis. The pending development projects included in this cumulative analysis are presented in Table 18, below.

As a point of clarification, cumulative impacts evaluate the proposed project combined with other pending, not approved, developments. Approved projects are incorporated into the background against which project impacts are assumed. The traffic analysis, for example, identifies existing conditions, background conditions, and "project" conditions. "Background" reflects conditions that can be assumed to occur because the projects have already received their entitlements.

TABLE 18 Reasonably Foreseeable Cumulative Development Projects			
Development	Use	Size	Jurisdiction
U.S. DataPort project	Internet Data Centers and Energy Center (including power production facilities)	2.2 million square feet of Internet data center uses and 49.9 MW power plant and cooled water plant	City of San Jose
Rivermark-Agnews West	Residential Commercial Office/R&D School/Library/ Park	<i>residential:</i> 2,734 units <i>commercial:</i> 240,000 square ft. plus 150 room hotel <i>office/R&D:</i> 250,000 sq.ft. <i>other:</i> 500 student school, public library, park	City of Santa Clara

1. Cumulative Impacts

Based on the analysis in this EIR, and on information contained in other recent environmental documents, development of the project site with other pending and approved development will have cumulatively significant impacts in the following area:

- Loss of Burrowing Owl foraging habitat and potential nesting habitat

Although the proposed project, the U.S. DataPort project and the Rivermark-Agnews West project would result in significant traffic impacts, no new significant cumulative traffic impacts would result if all of these projects were approved and developed as proposed. The basis for this conclusion is described below.

Cumulative Transportation Impacts

Traffic volumes for cumulative conditions were estimated by adding traffic associated with the pending U.S. DataPort project and Rivermark-Agnews West Development to the traffic volumes estimated for project conditions.

Under cumulative conditions, no signalized intersections that are projected to operate at an acceptable level of service under project conditions would degrade to an unacceptable level of service (Table 19). The average delay for the 22 North San Jose Deficiency Plan intersections would be 56.8 seconds, which is less than 88 seconds as required under the policies of the NSJDP (refer to the addendum in Appendix B). In addition, based upon analysis included in the *U.S. DataPort Planned Development Rezoning and Prezoning DEIR* (November 2000), no freeway segments beyond those identified under project buildout conditions would be significantly impacted under cumulative conditions.

- **The project, along with the U.S. DataPort and Rivermark-Agnews West Campus projects, would not result in a cumulatively significant transportation impact. (Less Than Significant Cumulative Impact)**

Cumulative Loss of Burrowing Owl Habitat

Although no Burrowing Owls have been found on the project site, the north San Jose area where the project site is located includes areas known to have been used by nesting pairs of Burrowing Owls within the last three years. Local populations of Burrowing Owls are found within "islands" of remnant habitat within developed landscapes, unsuited to occupancy by most wildlife.

Although not ideal habitat, the remaining islands of open habitat within north San Jose and northern Santa Clara County, provide foraging and nesting habitat for local populations of Burrowing Owl. The few remaining habitats within this area, are therefore biologically important to local populations of owls.

Development of the U.S. DataPort project in Alviso would result in the loss of approximately 10-20 acres of suitable nesting habitat plus 110 acres of foraging habitat. Development of the Creekside Plaza project site will contribute to an approximately 17-acre reduction in foraging habitat for Burrowing Owls that nest in the project vicinity.

Since the project site is located in the vicinity of sites used by nesting pairs of Burrowing Owls within the last three years and is 17 acres in size, the project site may be important locally, despite the lack of documented use of the site by owls.

The cumulative loss of foraging and nesting habitat within northern Santa Clara County (including north San Jose) jeopardizes the continued existence of Burrowing Owl populations in the South San Francisco Bay Area and the Santa Clara Valley. While the project's contribution to the loss of Burrowing Owl foraging habitat is relatively small compared to total development of vacant land in the area in the last five years, the additional

TABLE 19 Cumulative Intersection Levels of Service			
Intersection	Peak Hour	Ave. Delay	LOS
<i>City of San Jose Intersections</i>			
U.S. 101 and Brokaw Rd.*	AM	28.0	D
	PM	26.0	D
U.S. 101 and Old Oakland Rd. (Northbound)*	AM	52.9	E
	PM	19.1	C
U.S. 101 and Old Oakland Rd. (Southbound)*	AM	14.7	B
	PM	31.2	D
I-880 and Brokaw Rd. (Eastbound)*	AM	15.7	C
	PM	13.2	B
I-880 and Brokaw Rd. (Westbound)*	AM	36.2	D
	PM	23.7	C
North First St./Brokaw Rd.*	AM	60.0	F
	PM	75.0	F
Brokaw Rd.and Old Oakland Rd.*	AM	46.3	E
	PM	33.5	D
Brokaw Rd. and Zanker Rd.*	AM	39.9	D
	PM	40.0	E
Lundy Ave. and Murphy Ave.*	AM	34.9	D
	PM	32.7	D
Montague Expwy.and Old Oakland Rd.*	AM	67.5	F
	PM	54.1	E
Montague Expwy. and Trade Zone Blvd.*	AM	35.0	D
	PM	84.3	F
* Denotes CMP intersection.			

loss of foraging habitat and potential nesting habitat is biologically significant for the local population of Burrowing Owls as it is among one of the few remaining habitats of its type locally. The cumulative loss of suitable Burrowing Owl foraging and nesting habitat in the north San Jose and northern Santa Clara County area is, therefore considered cumulatively significant.

- **The project would contribute to the cumulative loss of Burrowing Owl habitat. (Significant Cumulative Impact)**

2. Mitigation for Cumulative Impacts

While the CEQA Guidelines state that the discussion of cumulative impacts “need not provide as great detail as is provided of the effects attributable to the project alone”, an EIR must “examine reasonable options for mitigating or avoiding any significant cumulative effects of a proposed project” [§15130(b)3]. The discussion below identifies potential mitigation, where it can be identified, for the cumulative impacts identified above.

Mitigation for Cumulative Loss of Burrowing Owl Habitat

Mitigation for loss of Burrowing Owl foraging habitat could consist of acquiring and/or protecting equivalent habitat areas. Within northern Santa Clara County, however, few sites remain that could be used to off-set impacts to local populations of Burrowing Owls. In most cases, those sites are also planned for development.

Acquiring equivalent habitat areas away from the project’s impact area (i.e., elsewhere in Central California), while not reducing effects to Burrowing Owls locally, could prevent similar habitat degradation elsewhere in the owls’ range, especially in areas where human activities have not already degraded habitat quality or inflated land value. Mitigation by habitat acquisition and preservation elsewhere in the Greater Bay Area or Central California would not lessen impacts to Burrowing Owls in the Santa Clara Valley. **(Significant Unavoidable Cumulative Impact)**

Conclusion: Based on the analysis in this EIR, cumulative loss of burrowing owl habitat will be significant. No mitigation has been identified or is currently proposed that would reduce this cumulative impact to a less than significant level.

V. ALTERNATIVES

CEQA requires that an EIR identify alternatives to a project as proposed. The CEQA guidelines specify that the EIR identify alternatives which "would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project". The purpose of this section is to ascertain whether there are alternatives of design, scope or location which would substantially lessen the significant impacts, even if those alternatives "impede to some degree the attainment of the project objectives", or are more expensive.

The significant impacts anticipated from the proposed project are: transportation and biological resources (cumulative impact only). Alternatives required by CEQA to be considered should, therefore, be capable of avoiding or reducing some or all of these significant impacts.

Consideration of a "No Project" alternative is mandatory. In addition, logical alternatives which might reduce the significant impacts identified for the proposed project would include a reduced scale alternative, and a different location. A different location should be considered only if it is capable of avoiding or reducing some or all of the significant impacts identified. Each of these alternatives is discussed below.

A. NO PROJECT ALTERNATIVE

Under a "No Project" alternative, the project would not be developed as proposed and would continue to be vacant. This alternative would completely avoid traffic impacts and the cumulative loss of Burrowing Owl foraging and potential nesting habitat.

This alternative does not meet any of the project goals. The No Project alternative would also not provide the employment opportunities or economic benefits to the City resulting from the development of the site. Because most of this property is designated by the adopted General Plan for Industrial Park development, it is likely that the City will continue to receive proposals to develop the land. The City may or may not choose to approve any other proposals.

Conclusion

The No Project Alternative is environmentally superior to the proposed project since it avoids the physical impacts of the project. However, the No Project Alternative would also not have the positive benefits anticipated from the project, including the creation of jobs for skilled workers and improvement of San Jose's jobs/housing imbalance. This alternative is compatible with the site's zoning and General Plan designation and is, therefore, feasible from a planning and land use standpoint.

This alternative is environmentally superior to the project as proposed since it would completely avoid project impacts including transportation and impacts to biological resources.

This alternative would not meet the applicant's objectives of providing a high quality office/R&D development adjacent to the Interstate 880 corridor.

B. REDUCED SCALE ALTERNATIVE

Project impacts are directly linked to the amount of development proposed. Reducing the amount of development might reasonably be assumed to reduce the impacts of a particular project. A possible alternative to the proposed development would be to develop a smaller portion of the site. A

possible development scenario would be 132,500 square feet of office/R&D uses. This alternative represents a 50 percent reduction in office/R&D space.

Potential for Mitigating Significant Impacts

The extent to which this smaller project might reasonably be expected to reduce significant impacts is discussed below for each of the areas of significant impact for the proposed project.

Transportation Impacts

The reduced scale alternative would reduce the size of the project by approximately 50 percent. This change in the project's size would reduce traffic generation and project transportation impacts. Compared to the proposed project, the reduced scale alternative would reduce the significant, unavoidable traffic impacts to the I-880, US 101 to Brokaw Road freeway segment to a less than significant level and impacts to the Murphy Road/Oyama Drive intersection would also be reduced to a less than significant level. While incrementally reduced, impacts to the U.S. 101 northbound ramp/Old Oakland Road intersection would not be reduced to a less than significant level.

This alternative would reduce traffic impacts to a freeway segment and one intersection to a less than significant level, however, significant impacts to the US 101 northbound ramp/Old Oakland Road intersection would be reduced, but not avoided by this alternative.

Cumulative Loss of Burrowing Owl Habitat

The amount of open space within the project boundaries could increase under this alternative. To the extent that this alternative could cluster development, impacts to burrowing owl foraging habitat could be incrementally reduced. The quality of remaining habitat would be reduced, however, as a result of its size (less than eight acres), the introduction of additional trees and a new structure on the site. The remaining open areas on the site would not provide high quality habitat for Burrowing Owl foraging or nesting. While the reduced scale alternative would incrementally reduce impacts to Burrowing Owl foraging habitat, cumulative impacts would remain significant.

Conclusion

This alternative involves the same site, is compatible with the site's zoning and General Plan designation and is, therefore, feasible from a planning and land use standpoint.

This alternative is slightly environmentally superior to the project as proposed since it would completely avoid transportation impacts. Significant impacts to Burrowing Owl foraging habitat would be incrementally reduced, but not avoided.

The reduced size of this alternative may cause it to be economically infeasible, which would not conform to the project objective of developing an economically viable corporate campus.

C. LOCATION ALTERNATIVE

In order to identify an alternative site that might reasonably be considered to "feasibly accomplish most of the basic purposes of the project",²⁰ and would also mitigate some or all of the significant

²⁰CEQA Guidelines §15126(d)2.

impacts of the project, it was assumed that such a site would *ideally* have the following characteristics:

- 1) Approximately 17 acres in size;²¹
- 2) Designated in the appropriate city's General Plan for industrial park uses;
- 3) Served by available infrastructure;
- 4) Located away from established Burrowing Owl populations;
- 5) Located in proximity to the North San Jose area and major transportation infrastructure.

The sites within the Edenvale Redevelopment Area meet most of the characteristics listed. The Edenvale Redevelopment Project Area is located in south San Jose, and includes land both northeast and northwest of the intersection of Route 85 and U.S. 101. "New" Edenvale is that portion of the redevelopment area east of U.S. 101, including lands south of the 101/Hellyer Road interchange, on both sides of Coyote Creek. While industrial development has been occurring in New Edenvale since 1979, there are more than 17 acres in Edenvale that are still undeveloped. There are a number of development applications pending and there may not be 17 contiguous, uncommitted acres in a single ownership. The remaining vacant land is, however, available for development with Industrial Park uses.

The vacant land in New Edenvale is designated on the General Plan and zoned for industrial park and office uses. Infrastructure is in place and the land in this redevelopment area is immediately available for development. The property is in multiple ownership, however, with some of the parcels as small as five acres. In addition, most of the vacant land is designated by the Important Farmlands Mapping Program as Prime Farmlands.

Potential for Mitigating Significant Impacts

The extent to which an alternative project site in Edenvale might reasonably be expected to result in lesser project impacts is discussed below for each of the areas of significant impact identified for the proposed project.

Transportation Impacts

Development of approximately 265,000 square feet of office/R&D buildings at a location in Edenvale would result in traffic generation similar to that from developing the project in North San Jose. New Edenvale is in closer proximity to existing and planned concentrations of housing than the proposed project site. The commute pattern anticipated for the Edenvale Redevelopment Area does not reinforce the prevailing County-wide pattern of driving to the north County in the morning and south in the evening. As discussed in the Edenvale Redevelopment Plan and the City's General Plan, industrial development in Edenvale helps to create a "reverse commute", using underutilized transportation capacity and generating significantly less congestion and air pollution than a similar amount of traffic moving in the opposite direction. Visitors to the site from employment centers in the northern portion of Santa Clara County would have to travel further to the site, however.

In addition to not adding to the primary commute direction, New Edenvale is not subject to a significant through-movement of regional traffic on local streets, as is the North San Jose/Santa

²¹ 17 acres is the size of a project site that would support development of 265,000 square feet of office/R&D uses at a Floor Area Ratio of 0.35 and is, therefore, identified as a minimum alternative site size.

Clara/Milpitas area. Regional traffic in this area is generally confined to U.S. 101 and Monterey Highway.

The Edenvale Redevelopment Project Final EIR, certified in June 2000, addressed transportation impacts associated with the buildout of 4.8 million square feet of industrial uses on the remaining vacant land in the Edenvale Redevelopment Area. Buildout of the entire 4.8 million square feet of development would result in impacts to two local intersections along Blossom Hill Road and one freeway segment during the PM peak hour. In June 2000, the City of San Jose adopted an Area Development Policy that deferred the implementation of mitigation measures for the two local intersections until specified development triggers are met. Although buildout of the entire 4.8 million square feet of development would result in impacts to two intersections, development of the 265,000 square foot project at this alternative location would be anticipated to create incrementally less traffic congestion than development in the North San Jose area. The regional transportation system in the south part of the County is not as congested as the facilities in the proposed project area. Therefore, transportation impacts from a similar project in Edenvale would be less than at the proposed North San Jose location.

Biological Resources Impacts

To the extent that this alternative site is not located in an area with known burrowing owl populations, impacts to burrowing owl foraging habitat would be reduced.

Other Impacts

Development on a different site could have other significant impacts, different than those on the proposed site. The *Edenvale Redevelopment Project Final EIR* (2000), identifies potentially significant impacts from anticipated development upon riparian habitat for sites located adjacent to Coyote Creek and special status species found on areas with serpentine soils. Other biological impacts are found only on particular sites in the area, and could also be mitigated to a less than significant level. Development of the proposed project at this alternative location could, however, contribute incrementally to these potentially significant impacts.

Conclusion

This alternative site is zoned for industrial uses and is designated by the General Plan as *Industrial Park*. The land is in multiple ownership and much of the southerly portion of New Edenvale is not yet prepared for development (*i.e.*, it does not have utilities or street improvements extended to it) while land in the northern portion is immediately available for development. The CEQA Guidelines state that among the factors which may be considered in addressing the feasibility of an alternative is "whether the proponent can reasonably acquire, control or otherwise have access to the alternative site" [§15126d(5)A]. Although this alternative might require a greater amount of time and effort to create a site large enough for the project, parts of the redevelopment area are available for development. Given that the land is available for sale, it is assumed that it would be possible to create a site large enough for the project. This alternative may be feasible.

This alternative is environmentally superior to the project as proposed with respect to transportation impacts and impacts to Burrowing Owl habitat. Impacts to prime farmland would increase under this alternative.

This alternative site would not be compatible with the applicant's goals of developing a high quality office/R&D development adjacent to the Interstate 880 corridor in close proximity to the North San

Jose High Technology and Industrial sector, or converting an under-utilized urban infill site to a viable economic use.

VI. GROWTH INDUCING IMPACTS

The CEQA Guidelines require that an EIR discuss the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, whether directly or indirectly in a surrounding area. Projects which could remove obstacles to population growth (such as a major public service expansion) must also be considered in this discussion. According to CEQA, the Lead Agency must never assume that growth in an area is necessarily beneficial or of little significance environmentally.

The proposed project does not include the development of any off-site infrastructure with capacity to serve future growth. The project site is within the urban boundaries of the City of San Jose and consists of infill development within an established industrial area.

The development of the project site, a vacant piece of land bordered by urban development, does not create a precedent which might lead to excessive or unplanned growth outside of the existing urban service area.

Based on the above discussion, the project would not have significant growth inducing impacts.

VII. SIGNIFICANT UNAVOIDABLE IMPACTS

If the project is implemented, it would result in the following significant unavoidable impacts.

- significant traffic impacts to one signalized intersection and one freeway segment;
- significant cumulative loss of Burrowing Owl habitat.

All other significant impacts of the project would be mitigated to a less than significant level by the measures described in this EIR.

VIII. REFERENCES AND PERSONS CONSULTED

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